

**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

**MONDAY, JUNE 26, 2023
2:30 P.M.**

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1618410107>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 841 0107**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@cityofberkeley.info.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: June 12, 2023**
- 2. Review and Approve Draft Agenda:**
 - a. 7/11/23 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

Referred Items for Review

- 8a. Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**
- 8b. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**

Unscheduled Items

- 9. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 10. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 11. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Items for Future Agendas

- **Requests by Committee Members to add items to the next agenda**

Adjournment – Next Meeting Monday, July 10, 2023

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#### **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, June 22, 2023.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.

**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING MINUTES**

MONDAY, JUNE 12, 2023

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@cityofberkeley.info.

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Roll Call: 2:31 p.m. All present.

Public Comment – 3 speakers.

Review of Agendas

1. Approval of Minutes: May 30, 2023

Action: M/S/C (Hahn/Wengraf) to approve the minutes of 5/30/23.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 6/27/23 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Arreguin/Hahn) to approve the agenda of 6/27/23 with the changes noted below.

- *Item 25 Civic Center (City Manager) – scheduled for July 11, 2023*
- *Item 34 Support AB 660 (Wengraf) – Councilmember Hahn added as a co-sponsor*
- *Item 39 Tax Exemption (Bartlett) – moved to last item on Action Calendar*
- *Item 43 Harriet Tubman Terrace (Commission) – Moved to Consent Calendar*
- *Item 44 Consulting Services (Arreguin) – Moved to Consent Calendar*
- *Item 45 Reparations Now Mural (Bartlett) – Moved to Consent Calendar; Councilmember Hahn added as a co-sponsor; recommended edits to Author to make Council approval explicit*
- *Item 46 Construction Materials (Harrison) – Referred the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*

Order of Action Items

Item 35 Zero Waste

Item 36 Syringe Report

Item 37 Stormwater Fee

Item 38 Street Lighting

Item 40 Annual Budget

Item 41 Appropriations

Item 42 TRAN

Item 39 Tax Exemption

Vote: All Ayes.

3. Selection of Item for the Berkeley Considers Online Engagement Portal

- None selected

4. Adjournments In Memory – Dorothy Walker, Local Activist

Scheduling

5. Council Worksessions Schedule

- July 25 Waterfront special meeting removed
- Adding July 24 ZAB Appeal special meeting

6. Council Referrals to Agenda Committee for Scheduling – received and filed

7. Land Use Calendar – received and filed

Referred Items for Review

- 8a. **Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**
- 8b. **Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**

Action: Presentation of draft legislative process improvements made and discussion held. Item continued to next meeting.

Unscheduled Items

- 9. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 10. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 11. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Arreguin/Hahn) to adjourn the meeting.

Vote: All Ayes.

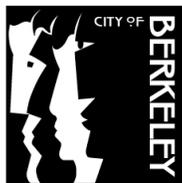
Adjourned at 4:09 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on June 12, 2023.

Mark Numainville, City Clerk

Communications

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING

Tuesday, July 11, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - 18315 RAY'S ROAD, CABIN 5, PHILO, CA 95466

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <<INSERT ZOOM for GOV URL HERE>>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Encampment Resolution Funding Grant Award**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive a \$4,931,058 Encampment Resolution Funding Round 2 grant award from the State of California, and to enter into contract and all necessary amendments with the State of California resulting from this funding.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 2. Urgency Ordinance for Leasing the Real Property at 1619 University Avenue**
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 1619 University Avenue, Berkeley for a term of 60 months.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 3. Contract: Insight Housing (formerly Berkeley Food and Housing Project) to operate interim housing at the Super 8**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and all necessary amendments with Berkeley Food and Housing Project to operate an interim housing program at the Super 8 Motel (1619 University Ave.) in an amount not to exceed \$7,295,635 for the period of August 1, 2023 to July 31, 2028
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 11, 2023

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$482,500

Contact: Henry Oyekanmi, Finance, (510) 981-7300

5. Contract: 2 Plus 1 Housing Resolution Services for Harriet Tubman Terrace Tenant Advocate

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract for professional services with the vendor 2 Plus 1 Housing Resolution Services for a Harriet Tubman Terrace Tenant Advocate for the Department of Health, Housing, and Community Services (HHCS) from July 15, 2023 to July 15, 2024 in an amount not to exceed \$100,000.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

6. Contract: Strategic Economics and Street Level Advisors for Affordable Housing Requirements Economic Feasibility Analysis

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with Strategic Economics as a Contractor and Street Level Advisors as a subcontractor, to conduct an Economic Feasibility Analysis of the Affordable Housing Requirements for the Department of Health, Housing, and Community Services (HHCS) from July 15, 2023 to July 15, 2024 in an amount not to exceed \$150,000.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

7. Contract No. 32300134 Amendment: Bonita House for Specialized Care Unit Provider

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to amend Contract No. 32300134 with Bonita House to add \$68,000 of Mental Health Services Act (MHSA) funding for the Specialized Care Unit for a not-to-exceed total of \$4,568,000.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 8. Contract No. 321001100 Amendment: JotForm, Inc. for a HIPAA Compliant Platform to Support Clinical Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute an amendment to Contract No. 32100110 and any subsequent amendments or extensions with the JotForm, Inc. by adding \$53,424, bringing the contract total to an amount not to exceed \$109,218 and extending the end date through May 12, 2026.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 9. California Department of Housing and Community Development (HCD) Prohousing Designation Program Application**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City of Berkeley's application to and participation in the California Department of Housing and Community Development (HCD) Prohousing Designation Program.
Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract No. 32000226 Amendment: MidAmerica Administrative & Retirement Solutions, Third Party Administrator for SRIP I Disability, and Health Reimbursement Accounts for Retiree Health Premium Assistance Plan Reimbursements, and Police Employees Retiree Income Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to Contract No. 32000226 with MidAmerica Administrative & Retirement Solutions for administration of the SRIP I Disability, Retiree Health Premium Assistance Plan (RHPAP) Health Reimbursement Account (HRA), and Police Employees Retiree Income Plans (PERIP) for the period covering January 1, 2021 through December 31, 2025, for a total cost not to exceed \$233,736.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 11. Contract No. 32300158 Amendment: AppleOne Employment Services for Temporary Staffing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300158 with AppleOne Employment Services for temporary staffing services, to cover the period February 1, 2023 to June 30, 2025, for a total cost not to exceed \$750,000.
Financial Implications: Various Funds - \$750,000
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

Consent Calendar

12. Revisions to the Unrepresented Employee Manual

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute changes to the Unrepresented Employee Manual that (1) effectuates merit raises for employees on salary ranges on their anniversary date in their current classification; (2) aligns vacation accrual and longevity pay rates and vacation sell-back policies for the Fire Chief, the Police Chief, and their deputies with the corresponding provisions of the Memoranda of Understanding with the Berkeley Fire Fighters Association and the Berkeley Police Association; and (3) includes Office Specialists III among the classifications that qualify for the City Manager Department Differential.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

13. Supplemental Military Leave Compensation Policy

From: City Manager

Recommendation: Adopt a Resolution extending Resolution No. 63,646-N.S. to offer the City's supplemental military leave compensation benefit retroactively from June 1, 2019 to June 30, 2025 to provide additional wages to supplement an employee's military pay and allowances for a period not to exceed two (2) years that must be taken within 36 months of the leave request for employees called up to involuntary active military service. To receive the retroactive payment the employee must have been employed with the City of Berkeley at the time of active duty and remained employed with the City of Berkeley at the time of payment.

Financial Implications: See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

14. Accepting grant funds from the Alameda County Transportation Commission for the Berkeley Pier Water Transportation / Ferry Project

From: City Manager

Recommendation: Adopt a Resolution accepting the Alameda County Transportation Commission grant allocation for the Berkeley Pier Water Transportation/ Ferry Project in the amount of \$5,138,685, confirming the City's commitment to the Alameda County Transportation Commission grant requirements, and authorizing the City Manager to execute the associated grant agreement and amendments.

Financial Implications: Grant Revenue - \$5,138,685

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

15. Contract No. 32000188 Amendment: GSI Environmental Inc. for On-Call Environmental Consulting Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000188 with GSI Environmental Inc. for on-call environmental consulting services to increase the contract amount by \$75,000 for a new not to exceed amount of \$225,000 and extend the contract term from December 20, 2023 to June 30, 2025.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

16. Contract No. 32300022 Amendment: Public Safety Family Counseling Group Inc. for Additional Critical Incident Stress Management (CISM), Education and Counseling Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300022 with Public Safety Family Counseling Group Inc. to provide additional CISM Peer Support Team support, education and counselling services, for a total amount not to exceed \$150,000 for a total contract amount not to exceed \$200,000, and extending the term through June 30, 2026.

Financial Implications: See report

Contact: Jennifer Louis, Police, (510) 981-5900

17. Conduct a Study on the City's History of Discriminatory Actions in Housing Policies/Programs

From: Housing Advisory Commission

Recommendation: Conduct a study that is comprehensive of the following actions: - Document the city of Berkeley's past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership; -Inform future housing policy and program development and implementation to address these historic discriminatory practices; and -Provide data and information about historic discriminatory housing policies and programs in support of the city's on-going reparations work. -Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Consent Calendar

18. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

From: Auditor

Recommendation: We recommend City Council request that the City Manager report back by January 2024, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented. Some of our recommendations include: establish retention goals and conduct an analysis of staff needed for city operations and services; consider staff capacity around new legislation; take steps to improve employee satisfaction; identify opportunities for efficiency in the hiring process, and modernize its recruiting process; expand the telework policy to align with best practices; and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

Financial Implications: See report

Contact: Jenny Wong, Auditor, (510) 981-6750

Council Consent Items

19. Berkeley Housing Authority Board of Commissioners Re-Appointments

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution re-appointing Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani to the Berkeley Housing Authority Board of Commissioners.

Financial Implications: None

Contact: Jesse Arreguin, Mayor, (510) 981-7100

20. Support Rooftop Solar and Battery Storage for Multifamily Housing and Schools

From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution in support of viable Virtual Net Energy Metering (VNEM) and Net Energy Metering Aggregation (NEM-A) tariffs. Submit a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).

Financial Implications: Staff time

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

21. Relinquishment of Council Office Budget Funds for Chavez/Huerta Tribute Site From: Mayor Arreguin (Author)

Recommendation: Adopt a Resolution approving the expenditure of up to \$5,000 from Mayor Arreguin, and any other Councilmembers, to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, with funds relinquished from the City's General Fund for the purpose of hiring of grounds keepers and providing the resources needed for the maintenance of the Chavez/Huerta Tribute Site, from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

Financial Implications: \$5,000 – Mayor's Discretionary Fund

Contact: Jesse Arreguin, Mayor, (510) 981-7100

22. Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds From: Councilmember Taplin (Author)

Recommendation: Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Back (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.

Financial Implications: \$500 – Councilmember's Discretionary Fund

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

23. Berkeley High School All Class Reunion: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds From: Councilmember Taplin (Author)

Recommendation: Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City's general fund.

Financial Implications: \$500 – Councilmember's Discretionary Fund

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

24. Resolution for unionized employees of REI From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution of Support for the unionized employees of Recreational Equipment, Inc. (REI) in Berkeley, California that instructs REI to live up to its values, by ceasing to withhold the 2022 "Summit Pay", and bargain in good faith.

Financial Implications: None

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

- 25. Relinquishment of Council Office Budget Funds and Co-Sponsorship of the César Chávez Dolores Huerta Tribute Site Curriculum Project**
From: Councilmember Harrison (Author), Mayor Arreguin (Author)
Recommendation: Adopt a resolution approving an expenditure of D13 funds and cosponsorship of the César Chávez/Dolores Huerta Tribute Site Curriculum Project, with \$250 relinquished to the City's general fund for this purpose each from Mayor Arreguín's and Councilmember Harrison's discretionary Council Office Budget Funds, and from any other Councilmembers who would like to contribute.
Financial Implications: \$250 – Councilmembers' Discretionary Fund
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 26. Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution opposing Tokyo Electric Power Company (TEPCO) and the government of Japan's plan to discharge wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean and send copies of this resolution to Secretary Blinken, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

27. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code to Conform to State Law, and Make Non-Substantive Technical Edits From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to match State law relating to special needs housing (including supportive and transitional housing, emergency shelter, navigation center), employment housing, and family day care, and to make technical edits, corrections and other non-substantive amendments:

- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.202.110 R-4 Multi-Family Residential District
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.040 Use Specific Regulations (Commercial Districts)
- 23.204.060 C-U University Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Industrial Uses
- 23.206.080 MU-LI Mixed Use-Light Industrial District (Land Use Regulations)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.304.030 Setbacks
- 23.304.040 Building Separation in Residential Districts
- 23.308.020 Applicability and Nonconformities (Emergency Shelters)
- 23.308.030 Standards for Emergency Shelters
- 23.324 Nonconforming Uses, Structures, and Buildings
- 23.324.010 Chapter Purpose
- 23.324.050 Nonconforming Structures and Buildings
- 23.502.020 Glossary

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

28. **Referral Response: Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs**
From: City Manager
Recommendation: Adopt a Resolution to create an Affordable Housing Preference Policy applicable to new residential housing units created via the Below Market-Rate (BMR) and the Housing Trust Fund (HTF) programs consistent with Fair Housing law and government funder approvals, and direct the City Manager to adopt guidelines to administer the Housing Preference Policy.
Financial Implications: See report.
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
29. **Adoption - Civic Center Phase II - Design Concept**
From: City Manager
Recommendation: Adopt a Resolution approving Berkeley’s Civic Center Design Concept Plan, and declaring Council’s intention to support the preferred design concept and necessary future studies and projects articulated in the plan.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300

Council Action Items

30. **De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use** (*Reviewed by the Health, Life Enrichment, Equity, & Community Committee*)
From: Health, Life Enrichment, Equity & Community Committee
Recommendation: Approve the Resolution presented and passed with a qualified positive recommendation at the June 12, 2023 meeting of the Health, Life Enrichment, Equity & Community Committee (Attachment 1), in lieu of the Resolutions provided in the originally referred item and by the Community Health Commission.
Policy Committee Recommendation: to send the item to Council with a qualified positive recommendation to approve the Resolution in the form and as amended by the committee. There is no “mark-up” of the CHC resolution because what the Committee decided to pass is a full rewrite.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150, Ben Bartlett, Councilmember, District 3, (510) 981-7130, Mark Humbert, Councilmember, District 8, (510) 981-7180

Action Calendar – Policy Committee Track Items

- 31. Excused Absence for Vice Mayor Ben Bartlett**
From: Mayor Arreguin (Author)
Recommendation: Excuse Vice Mayor Ben Bartlett from the June 6, 2023 Council meeting as a result of an illness of a close family member who needed immediate care.
Financial Implications: None
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 32. Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit**
From: Councilmember Harrison (Author)
Recommendation: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140
- 33. Dedicated Public Comment Time for City of Berkeley Unions**
From: Councilmember Hahn (Author)
Recommendation:
Amend the City Council Rules of Procedure and Order to create a dedicated time for Public Sector Unions representing City of Berkeley employees to have reserved time to address the City Council at the start of the meeting, prior to public comment on non-agenda items.
Create a new Section after IV. (A) Conduct of Meeting - Comments from the Public to read:
Comments from Official Representatives of Unions representing City Employees: For meetings of the City Council, official representatives from unions representing City of Berkeley employees may address the City Council for up to five minutes per union, if representatives of three or fewer unions wish to speak, or for up to three minutes per union, if representatives of four or more unions wish to speak. Time may be shared between more than one speaker per union.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Information Reports

- 34. Annual Report on Landmarks Preservation Commission (LPC) Actions**
From: Landmarks Preservation Commission
Contact: Fatema Crane, Commission Secretary, (510) 981-7400
- 35. City Auditor Fiscal Year 2024 Audit Plan**
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

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Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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Housing Advisory Commission

CONSENT CALENDAR  
July 11, 2023

To: Honorable Mayor and Members of the City Council  
 From: Housing Advisory Commission  
 Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission  
 Subject: Conduct a Study on the City's History of Discriminatory Actions in Housing Policies/Programs

RECOMMENDATION

Conduct a study that is comprehensive of the following actions:

- Document the city of Berkeley's past discriminatory actions in housing policies and programs that adversely impacted the Black community and its ability to remain and grow in the city, build inter-generational wealth, and fully realize the benefits of homeownership;
- Inform future housing policy and program development and implementation to address these historic discriminatory practices; and
- Provide data and information about historic discriminatory housing policies and programs in support of the city's on-going reparations work.
- Select community organization(s) as partners in the study to ensure a comprehensive community engagement process that documents lived experiences and local history so that lessons learned from those experiences can inform future housing policies and programs.

FISCAL IMPACTS OF RECOMMENDATION

Funding is required to undertake the recommended study and the fiscal impact would be determined by the responses to an RFP.

CURRENT SITUATION AND ITS EFFECTS

At its April 7, 2022 meeting, HAC considered a proposed housing preference policy for the city's affordable rental and ownership units. There was robust discussion about whether it was appropriate to provide a preference point for qualified Black households given historic discriminatory housing policies and programs that led to disproportionate impacts on Black residents due to redlining, use of eminent domain to build the Ashby and North Berkeley BART stations, demolition of public housing, predatory lending

practices, biased real estate appraisals that under-valued houses owned by Black residents, etc.

HAC members expressed some frustration that laws, policies, and practices that are explicitly race-based are prohibited in California (and throughout the Country), but that negative effects from past policies are felt by people of color (especially African Americans) in Berkeley today. The harm and trauma from structural racism in the housing market has adversely impacted families and kept them from thriving for generations.

While HAC voted to recommend that City Council approve the affordable housing preference policy, it also wants to encourage the city to do more to document past discriminatory housing policies to support more explicitly race-based restorative housing initiatives in the future. Therefore, at its October 6, 2022 meeting, HAC approved the following motion:

Action: M/S/C (Simon-Weisberg/Johnson) to recommend City Council fund a study to document the City of Berkeley's history of discriminatory actions as well as its actions to regulate or fail to regulate discrimination in the housing market. This work should be sourced to local community organizations advancing racial justice initiatives in the community.

Vote: Ayes: Ching, Johnson, Lee-Egan, Mendonca, Sanidad, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Calavita (excused), Fain (unexcused), Rodriguez (unexcused), and Potter (excused).

### BACKGROUND

Staff undertook a comprehensive process to develop the proposed housing preference policy. That effort included a commitment to an equity-based policy and partnership with East Bay Community Law Center and with Healthy Black Families, Inc., a Berkeley-based non-profit organization committed to advancing social equity and justice, with a focus on Black individuals and families, to ensure robust community engagement.

During public comment for the housing preference policy item, representatives from Healthy Black Families and African American and elder community members provided information about past discriminatory policies and told stories of living in, or being displaced from, Berkeley. They advocated for race-based housing preferences that would address these historic injustices. These stories, combined with census data that shows a steep decline in Berkeley's African American population, informed the HAC's recommendation to City Council to study this issue to better understand the impacts of past discriminatory policies to better shape future housing policies and programs.

Public comment also underscored the importance of lived experiences and documented history. Therefore, HAC's recommendation includes sourcing aspects of the study to local community organizations advancing racial justice issues in the community.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The recommended study will better inform, and build on, existing housing program and policies by collecting data and information regarding historic discriminatory policies, ranging from redlining and predatory lending practices to demolishing public housing and utilizing eminent domain in harmful ways, to achieve racial justice. This information can also be useful as the city moves forward with its reparations work as housing is a critical arena for repairing past harms.

ALTERNATIVE ACTIONS CONSIDERED

While some community members, along with several HAC members, supported an explicitly race-based preference for the city's affordable housing units, it was understood that without more data and information to support such a preference, it was not a legally sound approach. Therefore, it was unanimously agreed that such a study should be recommended to City Council to continue the city's efforts to work toward racial justice in the housing arena.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

This recommendation should be referred to the budget process in order to identify funding for this work.

CONTACT PERSON

Anna Cash, Secretary, HHCS, (510) 981-5403





CONSENT CALENDAR  
July 11, 2023

**To:** Honorable Mayor and Members of the City Council  
**From:** Jenny Wong, City Auditor *zw*  
**Subject:** Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

RECOMMENDATION

We recommend City Council request that the City Manager report back by January 2024, and every six months thereafter, regarding the status of our audit recommendations until reported fully implemented. Some of our recommendations include: establish retention goals and conduct an analysis of staff needed for city operations and services; consider staff capacity around new legislation; take steps to improve employee satisfaction; identify opportunities for efficiency in the hiring process, and modernize its recruiting process; expand the telework policy to align with best practices; and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

FISCAL IMPACTS OF RECOMMENDATION

Implementing the recommendations outlined in the audit *Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring* will have fiscal implications for the city. While the exact financial impact will depend on specific implementation strategies and timelines, it is crucial to allocate adequate resources to ensure the successful execution of these initiatives. The long-term benefits of improved employee retention, such as enhanced service delivery, reduced recruitment and onboarding costs, and increased employee productivity, will outweigh the initial investments.

CURRENT SITUATION AND ITS EFFECTS

During the audit period of fiscal year 2018 to fiscal year 2022, Berkeley experienced staff shortages that impacted the delivery of crucial city services. The City lacked a clear and data-driven retention strategy, exacerbating the problem. Employee dissatisfaction emerged as a key factor contributing to staff turnover, with voluntary separations (resignations and retirements) surpassing new hires each year of the audit period. Outcomes of the employee satisfaction survey that we performed as part of the audit highlight concerns related to workload, outdated internal systems, limited professional development opportunities, employee pay, and inadequate support and communication from city management. In a survey of former employees, 47 percent reported that organizational culture problems were among their primary reasons for leaving the City.

The instability in the Human Resources department further impeded Berkeley's ability to fill vacancies effectively. Over the audit period, the average time to hire new employees increased substantially, from 4.9 months in fiscal year 2018 to 7.7 months in fiscal year 2022, causing

delays in crucial recruitment processes. Additionally, while telework showed potential in retaining employees, the City's existing telework policy is limited and in need of enhancement. We also found a lack of reliable data for monitoring workforce retention trends, including accurate information on vacancies and employee satisfaction.

BACKGROUND

The City of Berkeley has 1,792 budgeted full-time equivalent (FTE) positions as of FY 2023. Retaining employees is important for government organizations to ensure there are enough staff to deliver services and programs effectively. Though outside factors such as the Great Resignation provide a larger context for employee retention, retaining employees in Berkeley was a problem before the pandemic and the Great Resignation, which are not solely responsible for citywide retention challenges.

Some level of employee turnover is necessary in healthy organizations. Employees leave for many reasons other than job dissatisfaction, including retirement, or relocation. Employee turnover also allows new talent and people with new skillsets to enter the organization. However, too much employee turnover becomes costly and makes it more difficult for organizations to function. Excessive turnover can also lower the morale of the remaining staff in an organization.

ENVIRONMENTAL SUSTAINABILITY

In our report, we identify opportunities to reduce greenhouse gas emissions created from employee commutes through the use of telework. Decreasing emissions aligns with Berkeley's Climate Action Plan goal to reduce the year 2000 emissions by 80 percent by 2050.

RATIONALE FOR RECOMMENDATION

Implementing our recommendations will improve the City's management of employee retention and mitigate risks associated with excessive turnover and vacancies.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

- 1: Audit Report - Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

Audit Report  
June 22, 2023

# Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor  
Caitlin Palmer, Senior Auditor  
Erin Mullin, Senior Auditor  
Kendle Kuechle, Auditor I  
Pauline Miller, Auditor I



# Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

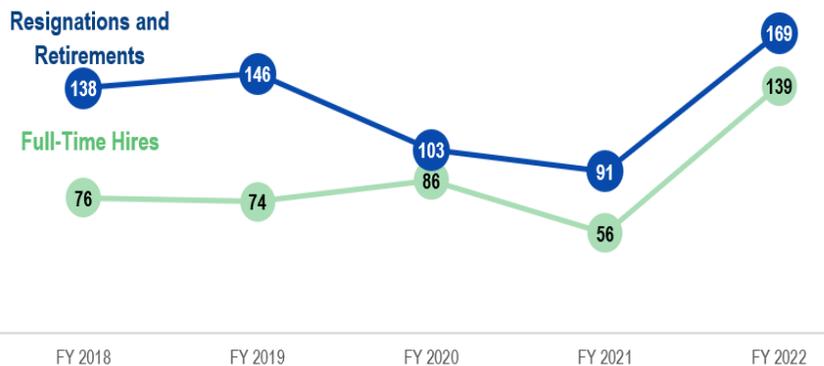
## Report Highlights

June 22, 2023

### Findings

1. Berkeley's staff shortages constrained city services, but the City did not have a clear strategy to improve retention during our audit period. More employees left the City than were hired in each year of the audit period, contributing to the staff shortage.

### Resignations and retirements outpaced full-time hires during the audit period.



Source: ERMA, FUND\$, and NEOGOV

2. Employee dissatisfaction made it harder for the City to retain staff. Surveyed employees reported dissatisfaction with workloads, professional development opportunities, pay, and communication and support from city leadership.
3. Instability in Human Resources delayed hiring and impacted internal services. The average time it took to hire new employees increased from 4.9 months in fiscal year 2018 to 7.7 months in fiscal year 2022.
4. Telework can benefit the City and help retain some employees but the current policy is limited.
5. The City lacked reliable data to monitor trends and address staff shortages.

### Objectives

1. How do staff shortages affect city services?
2. What is the state of employee satisfaction?
3. What internal factors impact the City's ability to fill vacancies?
4. How does telework affect the City's ability to retain employees?
5. How does the City use data to address staff shortages?

### Why This Audit Is Important

Berkeley government has faced difficulties retaining employees, which caused staff shortages that limited the City's ability to provide services to residents. Staff shortages can make workloads for current employees unmanageable, which can drive down morale and worsen employee retention. Combined, these issues can lead to an increase in employee errors, a decrease in the quality of services, and an overall increase in the City's financial risks and other liabilities. The inability to retain employees can also be costly to the City in the long run, as it may be more expensive to hire and train new employees than it is to retain productive employees.

### Recommendations

We recommend that the City establish retention goals, conduct an analysis of staff needed for city services and consider staff capacity around new legislation. We also recommend that the City take steps to address employee satisfaction and improve the recruiting and hiring process. We also recommend that the City expand the telework policy to align with best practices and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.



BERKELEY CITY AUDITOR

For the full report, visit:  
<https://berkeleyca.gov/your-government/city-audits>

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## Introduction

We identified employee retention in the City of Berkeley as an area needing independent assessment based on our observation of challenges with employee retention and staff shortages in previous audits.<sup>1</sup> **Employee retention** refers to an organization's ability to keep employees and reduce turnover. Staff shortages can limit Berkeley government's ability to provide public services and programs. For example, understaffing in the Police department and 911 dispatch center can increase 911 call response times for the Berkeley community and result in officer burnout and fatigue, contributing to health and safety risks. Understaffing in financial oversight roles can increase the risk of fraud. Employee retention is essential to maintaining enough staff to provide high quality services to Berkeley residents.

<sup>1</sup> Past audits identifying workforce retention issues include an audit of [Police overtime and outside security work](#), an audit of [911 dispatcher staffing and overtime](#), and an audit of the [Code Enforcement unit](#).

Our audit examines the root causes of the City’s retention challenges and provides recommendations to prevent the City from facing a staffing crisis of this magnitude in the future. While some departments have unique retention challenges based on the nature of their work, the purpose of this audit is to understand citywide challenges and provide recommendations to improve retention across all departments. We initially started work on this audit in November 2019, but postponed our work at the onset of the COVID-19 pandemic as audit staff were diverted to the Emergency Operations Center. We resumed this audit in March 2022. In September 2022, the City contracted with consulting firm MRG Associates to develop a separate *Employer of Choice* report. Some themes of this audit are similar to MRG’s report, but our work follows audit standards as specified in the City Charter.

## Objectives, Scope, and Methodology

Our objectives were to answer the following questions:

1. How do staff shortages affect city services?
2. What is the state of employee satisfaction?
3. What internal factors impact the City’s ability to fill vacancies?
4. How does telework affect the City’s ability to retain employees?
5. How does the City use data to address staff shortages?

We evaluated employee retention data for fiscal years (FY) 2018 through 2022. We analyzed data on hiring, vacancies, longevity, and employee demographics. To understand employee perspectives, we surveyed current employees about their job satisfaction, and surveyed employees who voluntarily resigned or retired from the City about why they left. We also interviewed every department director in the City and offered to meet with union representatives from employee labor groups. Lastly, we reviewed best practices from leading human resource organizations along with staffing data from local jurisdictions to compare to Berkeley. For more information on the methodology, see page 49.

## Background

### City of Berkeley's Workforce

The City of Berkeley has 1,792 budgeted full-time equivalent (FTE) positions as of fiscal year 2023.<sup>2</sup> The three largest departments are Public Works, Police, and Health, Housing, and Community Services (Table 1).

**Table 1. Budgeted Full-Time Equivalent Positions by Department, Fiscal Year 2023**

| Department                                      | Budgeted FTEs |
|-------------------------------------------------|---------------|
| Public Works                                    | 340.00        |
| Police                                          | 313.20        |
| Health, Housing and Community Services          | 265.58        |
| Fire                                            | 203.00        |
| Parks, Recreation, and Waterfront               | 165.62        |
| Planning and Development                        | 116.04        |
| Library                                         | 115.60        |
| Finance                                         | 56.00         |
| Information Technology                          | 52.00         |
| City Manager                                    | 45.50         |
| Rent Board                                      | 23.55         |
| Human Resources                                 | 22.00         |
| Mayor and Council                               | 19.00         |
| City Attorney                                   | 17.00         |
| City Auditor                                    | 14.75         |
| City Clerk                                      | 10.00         |
| Economic Development                            | 8.00          |
| Office of the Director of Police Accountability | 5.00          |

Source: Berkeley's FY 2023 and FY 2024 Budget Book

Employee retention is important in government organizations to ensure there are enough staff to deliver services and programs effectively. City of Berkeley staff have a wide range of responsibilities that affect the Berkeley community, including road maintenance, public safety, transportation, housing assistance, city planning, and many others. City staffing challenges can therefore impact almost everyone who lives in, works in, or visits Berkeley.

<sup>2</sup> Some of these budgeted positions may be vacant.

## Retention Challenges

Many employers are currently facing challenges retaining employees. About a year after the onset of the COVID-19 pandemic, people began leaving their jobs nationwide at increasing rates. This phenomenon became known as the Great Resignation. According to a survey by Pew Research Center, around 1 in 5 adults left their job voluntarily during 2021 due to various reasons, including childcare needs, salary, lack of career advancement, COVID-19 concerns, and a desire for more flexibility or work-life balance. The retirement rate also increased nationwide by 13 percent among the baby boomer generation in 2020. In the City of Berkeley, nearly 20 percent of the workforce is eligible for retirement as of 2022, which will increase to 28 percent by 2025. An increase in retirements may worsen retention issues in the coming years. Therefore, improving retention of remaining staff should be a high priority for the City of Berkeley.

Though outside factors such as the Great Resignation provide a larger context for employee retention, workforce retention in Berkeley was a problem before the pandemic and the Great Resignation, which are not solely responsible for citywide retention challenges. Our analysis of employee perspectives provides information on internal factors that affect retention.<sup>3</sup>

Some level of employee turnover is necessary in healthy organizations. Employees leave for many reasons other than job dissatisfaction, such as retirement or relocation. Employee turnover also allows new talent to enter the organization. However, too much employee turnover becomes costly and makes it difficult for organizations to function. Excessive turnover can also lower the morale of the remaining staff in an organization and impact service delivery.

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<sup>3</sup> Finding 2 on page 12 outlines the primary causes of employee dissatisfaction leading to retention issues in the City of Berkeley.

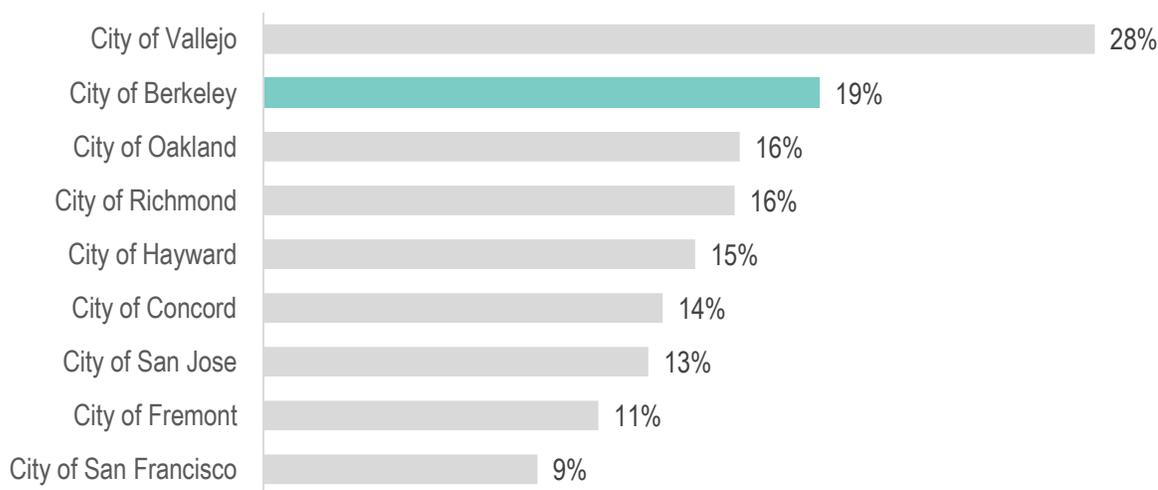
## Staff shortages constrained city services.

Berkeley had a high vacancy rate, reflecting staff shortages. These shortages have caused reductions in basic services for community members, such as delayed staff responses and facility closures. Though the City's strategic plan includes a goal to attract and retain a talented and diverse workforce, the City did not have a clear and data-driven strategy to improve retention or address the root causes of excessive turnover during our audit period.

### Berkeley's high vacancy rate reflected staff shortages.

Berkeley has experienced a staff shortage, as indicated by its vacancy rate (the percentage of budgeted positions that are vacant). Compared to other cities in the Bay Area with available vacancy data, Berkeley's citywide vacancy rate was the second highest at 19 percent in 2022 (Figure 1).

**Figure 1. Berkeley had the second highest vacancy rate compared to other Bay Area cities in 2022.**



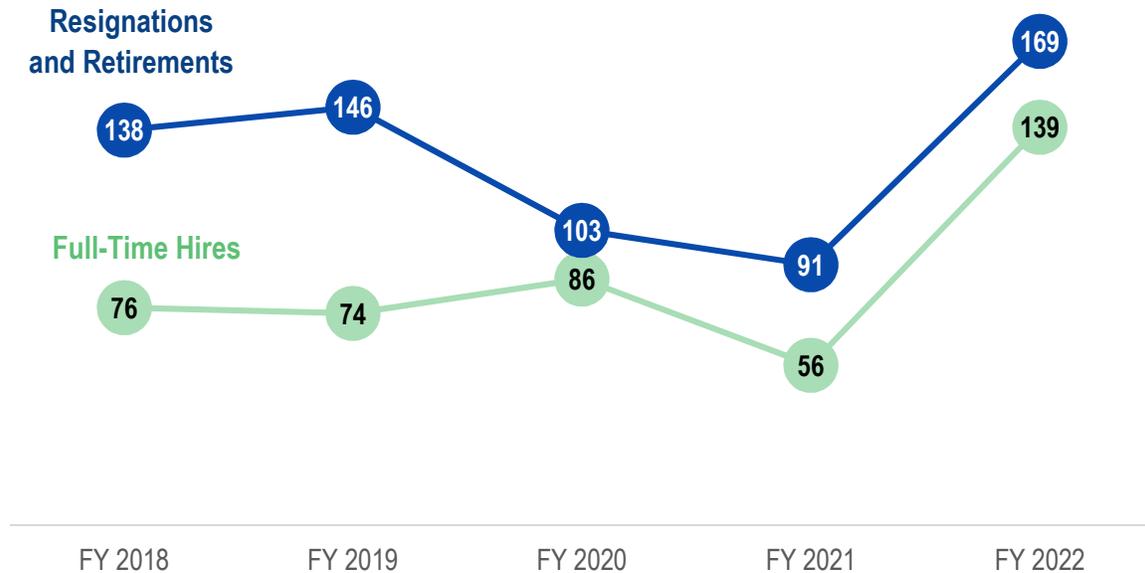
Note: Berkeley and San Francisco vacancy data are from October 2022, and all other data is from June 2022. These were the most recent dates available to compare vacancy rates at the time of our data request.

Sources: City of Berkeley, City of San Francisco Human Resources, City of Oakland Human Resources

Berkeley's vacancy rate is based on counts from department directors in October 2022. Some department directors reported that the high vacancy rate was a problem before the pandemic. However, we were unable to quantify how the vacancy rate has changed over the years due to data limitations (see Finding 5 on page 36 for more information on the City's data challenges).

The City did not hire enough employees to address the gap between voluntary separations (resignations and retirements) and new hires. Figure 2 shows that there were more resignations and retirements than full-time hires in each year of our audit period.<sup>4</sup> As a result, the cumulative hiring need increased, as the City did not hire enough employees each year to make up for the number of employees who left in previous years.

**Figure 2. Resignations and retirements outpaced full-time hires during the audit period.**



Note: Full-time hires refers to staff hired into full-time permanent positions. Resignations and retirements do not include medical separations or disability retirements. The data does not include internal transfers or promotions.

Source: ERMA, FUND\$, and NEOGOV

### Staff shortages impaired services to the community and other departments.

An increase in vacant positions reduced the number of staff available to ensure city programs and services functioned as intended. In response to our satisfaction survey, some employees explained that staff shortages made it difficult to deliver basic services to the community. According to one employee:

When departments are stretched thin, they cannot do a good job of supporting the community or other departments. [...] When departments experience turnover, it is very difficult to absorb the responsibilities, train new staff, and still deliver baseline services.

<sup>4</sup> According to the Human Resources Director, from January to March 2023, the City hired more than twice as many new employees as the number of employees who left the City.

In a presentation to City Council on December 13, 2022, the City Manager outlined how vacancies reduced city services. For example, there were reduced services or hours of operation at clinics and senior centers, and temporary closures of some fire stations.

Additionally, understaffing in public safety increased the need for mandatory overtime in both the Police and Fire departments. According to the City Manager, vacancies in the Transportation division have also contributed to delays in a major transportation project. Such delays may limit the City's ability to achieve goals such as reducing greenhouse gas emissions or improving traffic safety.

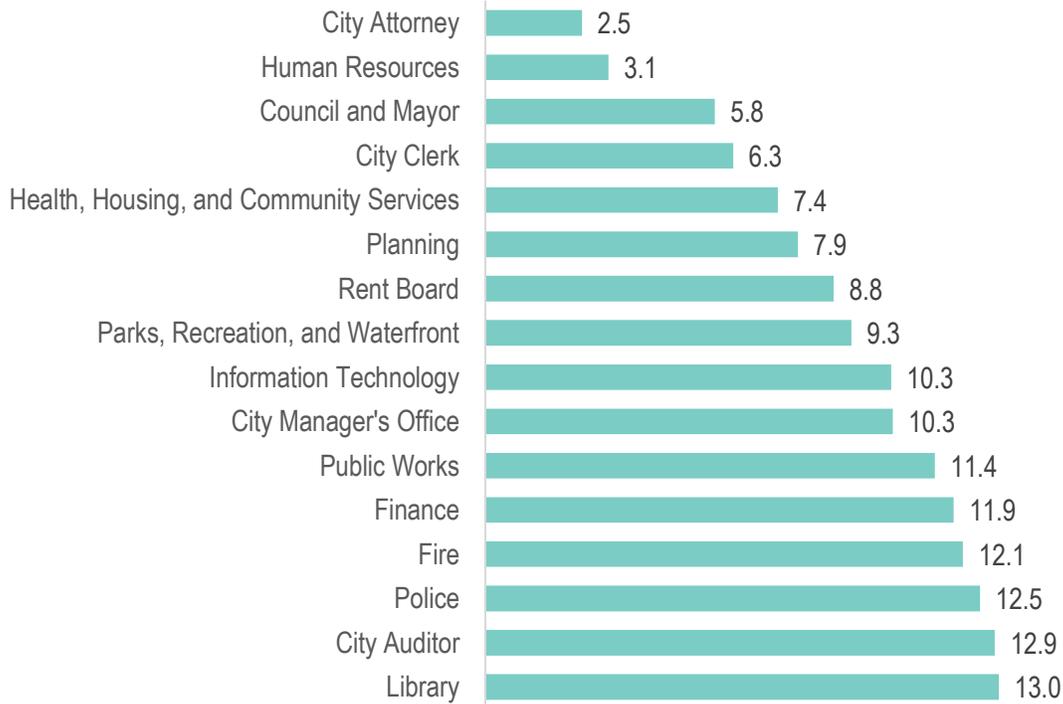
Vacancies also affected services that some departments provide to support the City's internal operations. For example, according to an Information Technology (IT) manager, understaffing in IT caused delays in technical assistance to employees. These types of delays impact employees' ability to do their jobs efficiently, which can in turn impact the delivery of services to the Berkeley community.

Vacant positions can also increase risk to the City. For example, lack of sufficient supervisory review can increase risk of overpayments, missed payments, or fraud. When employees leave, it may take years for new employees to gain that same level of knowledge.

A high vacancy rate combined with decreased employee tenure (the length of time an employee has worked for an organization) can also impact services if staff do not have institutional knowledge or are not yet fully trained. Departments may also lose specialized knowledge or knowledge of a particular city process when the employee managing that function leaves. One former employee stated:

*At the time I began working for [the City], the office culture and knowledge from within was superior. As time went on and more people left, the office began to fail.*

Employee tenure varies by department (Figure 3). The two departments with the lowest average employee tenure are the City Attorney's Office and Human Resources (HR). Low average tenure may present challenges to some important internal services due to lost institutional knowledge.

**Figure 3. Average Years of Employee Tenure by Department, 2022**

Note: Each data point refers to the average employee tenure in each department as of October 2022.

Source: ERMA

### The City lacked a clear and data-driven retention strategy.

The City did not have a clear strategic approach during our audit period to address the root causes of excessive turnover and meet its strategic plan goal. The City's strategic plan includes a goal to attract and retain a talented and diverse city government workforce. According to the 2022 strategic plan update, the City has revised some personnel rules and regulations and expanded employee wellness and resiliency programs in the Police department. The City also implemented the skilled worker academy, an in-depth program for some frontline staff to gain computer skills and other professional skills in September 2022. However, some department directors cited a lack of clarity around an overall retention strategy from city management or HR, or a perception that the City does not have the data and staff to sustain successful retention initiatives. The Society for Human Resources Management, an association of HR professionals, recommends organizations develop targeted strategies to improve retention. Data can help identify the areas where an organization needs to improve and inform strategies to address these issues. During the audit period, the City did not have reliable data on retention and employee satisfaction to inform a data-driven retention strategy (see Finding 5 on page 36 for more information on the City's data challenges).

Additionally, the City has not conducted an analysis of staffing levels needed for city operations and services. This may include working with department directors to identify the optimal number of FTEs and type of positions in each department, and aligning those positions with the department's goals for successful city operations and services. Based on guidance issued by the Government Finance Officers Association, it is a best practice for governments to determine the optimal level and type of staff needed to meet the organization's goals and objectives in light of cost constraints. It will be difficult for the City to develop targeted strategies to address retention challenges without this data.

## Recommendations

To better manage retention, we recommend the City Manager's Office:

- 1.1 Establish citywide retention goals and report to City Council on progress towards those goals biennially.
- 1.2 Conduct a staffing analysis based on critical needs to identify the number and type of full-time equivalent positions needed for successful city operations and services. The City may consider conducting this analysis one department at a time based on available resources.

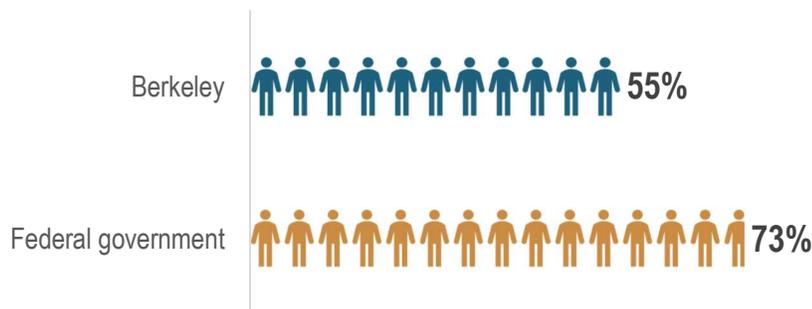
## Some surveyed employees reported dissatisfaction and many have contemplated leaving.

Employee satisfaction is a major factor in employee retention. Fifty-five percent of surveyed employees reported being satisfied with their job, which is lower than a federal government average. Factors impacting satisfaction among survey respondents were workloads, professional development opportunities, pay,<sup>5</sup> and communication and support from city leadership.

## Some City of Berkeley employees reported low job satisfaction and over half have contemplated leaving.

Only 55 percent of current city employees who responded to our survey reported that they were satisfied or somewhat satisfied with their job. This is lower than the job satisfaction rate among federal government agencies, which is 73 percent (Figure 4).

**Figure 4. Surveyed City of Berkeley employees reported lower job satisfaction than federal government employees in similar-sized agencies.**



Note: Federal employee data is from medium-sized agencies with 1,000-9,999 employees; Berkeley had 1,468 full-time employees as of 2022. Job satisfaction data from local government agencies was not readily available.

Sources: 2022 City of Berkeley employee satisfaction survey and 2022 federal employee viewpoint survey

Many current employees we surveyed also contemplated leaving the City. Over half, or 55 percent of current employees surveyed reported looking for another job in the year before taking the survey. Additionally, about 47 percent of surveyed former employees reported that organizational culture problems were among their primary reasons for leaving the City (Appendix II).

<sup>5</sup> We did not review city pay structures, as it was outside the scope of this audit.

Employee dissatisfaction is one of the main causes of turnover, according to the Society for Human Resources Management. High turnover is costly and affects an organization’s performance. Benchmarking data estimates that the total cost to recruit, train and develop a new hire may be at least half to two times that employee’s salary.

**Some employees reported unmanageable workloads related to staff shortages, new work, and inefficient systems.**

Some surveyed employees reported that one of the primary reasons they looked for a job in the past year was because they had a high workload due in part to staff shortages. Only 44 percent of current employees felt their workload was manageable (Figure 5). For comparison, in a survey of federal government employees, 61 percent agreed that their workload was reasonable. Nearly a quarter of surveyed former employees also listed high workload as one reason for leaving the City.

**Figure 5. Forty-four percent of surveyed employees reported that their workload was manageable.**



Source: 2022 satisfaction survey

**Staff Perspectives**

“There are not enough positions in my unit for the workload. I have demonstrated this time and again, and the solution from management has been for me, as the lowest level employee in my functional area exempt from overtime, to work 50 hours a week or more.” – Current employee

“The department I worked for was understaffed and lacked the resources to support city employees. I was provided insufficient training and had trouble keeping up with the workload. The workload and lack of support were primary reasons why I opted to look for new opportunities less than six months after starting at the City of Berkeley.” – Former employee

“When there are vacancies, it affects staff’s ability to do the work. It also impacts morale when people are stressed out. Some people left the department due to the unreasonable volume of work they were expected to produce.” – Department director

Sources: 2022 exit and satisfaction surveys, employee interviews

One department director also noted that certain job descriptions are out of date, which can make it difficult to recruit new employees to fill vacancies and help relieve the workload for current employees. The Chair of the Personnel Board also stated that the City has not reviewed certain job descriptions in recent years. Updated job descriptions can help ensure that city job postings accurately reflect job duties.

Employees receive new work beyond their regular duties, including referrals from City Council or public commissions, or additional items assigned in each department as noted in the *Employer of Choice* report.<sup>6</sup> Some employees reported that because service delivery expectations remained the same when their department or division lacked adequate staffing, they were overloaded with work during periods of short staffing, which compounded their already unmanageable workload. City Council has a process to prioritize referrals to staff, though that process was not used in fiscal year 2020 and fiscal year 2021 due to the COVID-19 pandemic. However, it does not include a formal method of accounting for staffing impacts when assigning additional work. Without limiting or prioritizing referrals based on staff capacity, staff may not be able to balance council referrals with their regular duties or providing baseline services.

Employee workload is also exacerbated by ineffective internal and administrative systems. As one department director stated, “The substandard internal systems we have make a lot of our work inefficient.” This includes software systems such as ERMA, the City’s financial management platform. The City switched to ERMA from FUND\$, their prior HR/payroll management system, in January 2021. Some employees explained that this transition added to their workload significantly. Other employees described city systems as antiquated, with IT assistance, timesheets, telephones, and key access cited as examples. Some technology and system issues may be affected by retention challenges if an employee in charge of managing a system is new or not fully trained. Some employees and department directors expressed a sense that internal systems are outdated and hard to use, which is a source of frustration and affects their ability to do their jobs efficiently.

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<sup>6</sup> Council referrals are short or long-term projects assigned to departments based on City Council’s direction. Since the City starting tracking referrals in 2014, there have been approximately 500 referrals assigned. About 255 of the referrals are completed, 18 are in progress, and the rest have not yet been started or have been rejected by Council action.

## Opportunities for professional development were limited.

### Lack of career opportunities impacted retention.

Some surveyed employees reported dissatisfaction with career advancement opportunities in the City. Approximately 27 percent of surveyed former employees cited inadequate promotional opportunities as one of their primary reasons for leaving the City of Berkeley. Forty percent of surveyed current employees were also dissatisfied with their career advancement opportunities, compared to 41 percent who were satisfied, with 19 percent neutral (Figure 6).

**Figure 6. Forty percent of surveyed employees reported being dissatisfied with career advancement opportunities.**



Source: 2022 satisfaction survey

#### Staff Perspectives

“The promotions process is ambiguous and not transparent. People get promoted and those who do not are left wondering what they could have done to improve themselves and their chances for promotion. The promotional criteria are a mystery. Rather than continue waiting for a possible promotion, I decided to retire.” – Former employee

“Berkeley does not have many opportunities for advancement which has caused some people to leave the department.” – Department director

Source: 2022 exit survey, employee interviews

Berkeley is a mid-sized city, therefore options for career advancement might be more limited than in larger jurisdictions. However, there may be opportunities to improve promotional pathways through succession planning with a cross-training component. Succession planning identifies long range needs and cultivates internal talent to meet those needs and prepare for new roles in the organization. Cross-training is an approach to employee development that places employees in a position to learn skills and abilities that are not part of their current roles. The City can use cross-training in conjunction with succession planning to facilitate knowledge and skill transfer to current employees, which can help them meet the qualifications for future career advancement.

Though some departments have an internal succession planning process, there was no citywide initiative during the audit period. The City listed succession planning as a priority in its 2018-2019 Strategic Plan report, but placed the project on hold during the pandemic according to a July 2022 update. A stronger effort to upskill employees could help Berkeley better prepare for future retirements while broadening career advancement opportunities.

Providing adequate professional development opportunities is a best practice for employee retention. Employees will be more likely to remain at an organization if they are able to improve their job title, salary and/or responsibilities. This can help ensure that programs continue to run successfully through staffing changes, ultimately benefiting the Berkeley community.

### Over half of surveyed employees did not receive regular performance evaluations.

Sixty-seven percent of surveyed employees reported that they did not receive a performance evaluation in the prior year. However, it is difficult to determine how often evaluations were happening and how that varied by department, as HR does not consistently keep records of past employee performance evaluations.

# 67%

of surveyed employees reported that they did not receive a performance evaluation in the past year.

Along with constructive guidance and regular feedback, performance evaluations are one component of successful employee performance management. Well-functioning performance management programs improve individual and team performance, and make organizations more effective. Performance evaluations also allow supervisors and employees to discuss areas for skill development, and identify learning opportunities for future advancement.

### Some surveyed employees were dissatisfied with trainings and professional development opportunities.

Trainings and professional development opportunities are essential for employee satisfaction and can support career growth. Continuous skill development ensures employees have the tools they need to succeed, and it helps organizations retain top talent. However, many current employees reported dissatisfaction with Berkeley's available training opportunities. Among surveyed employees, 40 percent were dissatisfied with citywide trainings and professional development opportunities, compared to 27 percent who were satisfied, with 33 percent neutral (Figure 7).

**Figure 7. Forty percent of surveyed employees were dissatisfied with citywide training and professional development opportunities.**



Source: 2022 satisfaction survey

**Staff Perspectives**

“Citywide training and professional development opportunities are nearly non-existent. The training opportunities that do exist are generally subpar and not many employees know how to access them.” – Current employee

“Citywide training has a great deal of room for improvement and offers no tailored opportunities for public safety, which has different challenges than other departments.” – Current employee

“The City should be intentional in its efforts to prepare all employees who transition into leadership roles. To have high expectations of our supervisors, we should provide meaningful training and education so they are better prepared for these critical roles throughout the City.” – Department director

Source: 2022 satisfaction survey and employee interviews

Among surveyed supervisors, 40 percent found their citywide supervision training inadequate, compared to 38 percent who found it adequate (22 percent neutral). Supervisors are an important resource to the City in employee retention and satisfaction. Thirty-five percent of former employees who responded to our survey stated that a poor relationship with their supervisor was a primary consideration for leaving the City. This indicates that the relationship between supervisees and supervisors is a factor in retention. The City used to organize a leadership development program for supervisors, but has not conducted that training since prior to the pandemic. Consistent citywide training for supervisors may help foster a positive relationship with supervisees and improve retention.

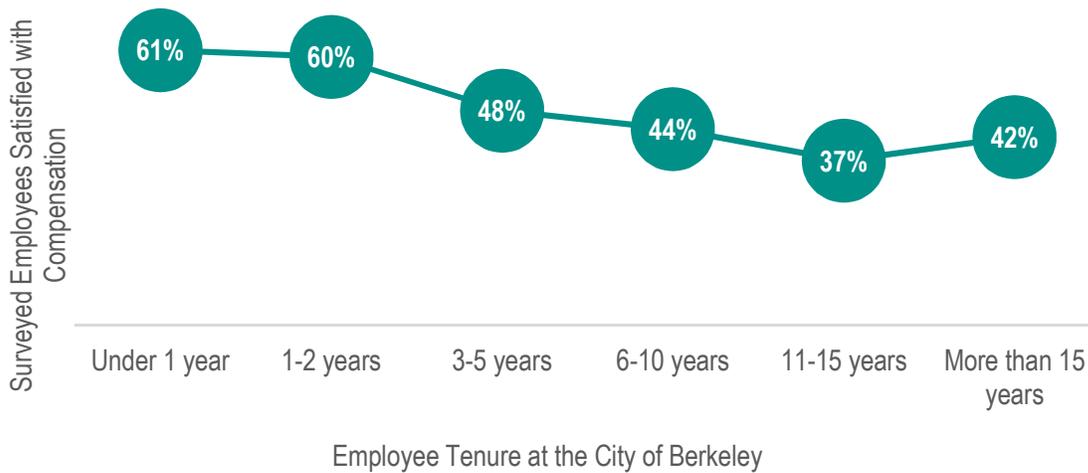
Prior to March 2020, many trainings received positive evaluations. The City put a pause on most trainings at the start of the COVID-19 pandemic in March 2020. The City resumed some regular trainings in June of 2021 and developed more trainings in 2022. The skilled workers academy is one example of a comprehensive training program that the City started in 2022 to help some employees develop professional skills and computer skills, among others. However, there are not similar professional development opportunities available for employees at all levels across all departments, and current dissatisfaction levels with city trainings suggest a need for improvement in this area. According to the HR Director, the City is currently looking at ways to provide specialized training to more employees.

HR's training division also had record keeping challenges during the audit period. California law requires that all employers of five or more people provide one to two hours of sexual harassment prevention training to staff every two years. According to the HR Director, since at least 2022 the City has been out of compliance with state-mandated sexual harassment prevention training. Due to inadequate data, we were unable to determine how long the City has been out of compliance with this law. In March 2023, the City set a goal to ensure all employees complete mandatory trainings by December 31, 2023.

### Some surveyed employees were dissatisfied with pay.

Pay was a common issue among surveyed employees, and some department directors also reported issues with pay. We did not perform a salary analysis of Berkeley's compensation compared to market rates for similar positions as it was outside the scope of this audit. However, there are opportunities to improve retention by addressing some specific issues in Berkeley.

Some employees and department directors expressed in surveys and interviews that dissatisfaction with pay impacts employee retention. Thirty-seven percent of employees surveyed were dissatisfied with their compensation, while 47 percent were satisfied (16 percent neutral). Comparatively, 56 percent of federal employees were satisfied with their pay in 2022. Satisfaction survey data also shows that the longer employees worked for the City, the less satisfied they generally were with their compensation (Figure 8).

**Figure 8. Pay satisfaction generally decreased as employee tenure increased.**

Source: 2022 satisfaction survey

When asked to elaborate on pay and benefits, some surveyed employees expressed perceptions that their pay is not commensurate with their job duties. One department director noted that some staff are underpaid relative to staff performing the same work in other jurisdictions. Other surveyed employees expressed dissatisfaction with differences in pension benefit compensation. According to a 2019 report from union members, there is a significant difference in pension benefit compensation between Classic and California Public Employees' Pension Reform Act members represented by Local One and Service Employees International Union bargaining groups, as well as unrepresented employees.<sup>7</sup> Additionally, many surveyed employees expressed a perception that the City's cost of living adjustments (COLAs) to salaries are inadequate, or that the City needs to develop a plan to have more frequent COLAs.

<sup>7</sup> The California Public Employees' Pension Reform Act (PEPRA) took effect in January, 2013. The law changed the way the state's public employee retirement and health benefits are applied, and placed compensation limits on new members. In the City of Berkeley, the Pay Equity Committee for PEPRA members noted in 2019 that Classic members contributed 8.64 percent of their paycheck to the pension fund, whereas PEPRA members contributed 15.25 percent. In 2022, the City agreed to reduce some PEPRA members' pension contributions, though the terms of that ramp down varied by bargaining group.

The City typically renegotiates certain elements of employee pay about once every three years with each employee union. In the satisfaction survey, some employees expressed perceptions that the City’s pay system is inflexible or unfair based on workload, classification or job duties. Pay may also be a factor in the recruitment and retention of specialized positions. Some specialized positions are particularly hard to recruit for based on the labor market. For example, some hiring managers stated that it has been difficult for the City to recruit firefighters, engineers, and mental health clinicians, among others, which may be related to the labor market in those fields. One director noted that this difficulty in recruiting made it hard to fill vacancies, which contributed to burnout among employees. Identifying ways to ensure that pay is competitive may improve recruitment and retention of these positions.

#### Staff Perspectives

“Positions, job duties, and classifications are not equitable. People doing basically the same job but in different classifications can have upward of a \$30k difference in pay.”  
– Current employee

“I realize terms are limited by union agreements, but it is my opinion that the compensation system is not nimble and cannot respond to the severe cost of living conditions at this time. Wage increases seriously lag the cost of living, and cannot adequately respond to current inflation conditions.” – Current employee

Source: 2022 satisfaction survey

High turnover is costly, therefore organizations that invest in employee compensation may avoid recruitment and hiring costs that come with turnover. While the City must consider available revenue streams when making pay decisions, improved retention may ultimately lead to reduced turnover costs for the City. Ensuring pay is commensurate with comparable jurisdictions is frequently cited as an important aspect of employee retention.

### Communication and support from city leadership may have impacted employee satisfaction.

Almost half, or 48 percent, of surveyed employees did not feel that city management communicated well when making decisions that affect Berkeley employees, compared to 23 percent who were satisfied with city management’s communication, with 29 percent neutral (Figure 9). When asked to elaborate, surveyed employees gave examples including too little communication from city management, confusing communication, lack of transparency in communication, and too few opportunities to provide feedback.

**Figure 9. Almost half of surveyed employees did not believe city management communicates well when making decisions that impact employees.**



Source: 2022 satisfaction survey

One example of insufficient communication was a lack of clarity around COVID-19 policies. In the satisfaction survey, some employees expressed confusion around COVID-19 reporting, notifications, or inconsistencies around mask policy enforcement upon returning to the office. Lapses in communication can increase risk to the City and employees if they are not connected to the correct resources during emergencies, disasters or other important situations. For example, one employee described receiving inadequate information from city management around safety issues such as threats to employee safety. Effective communication is also important in building employee morale, satisfaction, and engagement.

Maintaining frequent and organized internal communication is often listed as a best practice for employee retention. Effective communication is essential for proper employee management, as it helps employees understand the terms of their employment, gives employees opportunities to provide feedback which is important for internal satisfaction, and reduces potential employee grievances due to misunderstandings.

#### Staff Perspectives

“I believe the translation of what city management is asking or saying gets lost when transferring the information back to the individual departments. Like a bad game of telephone, you get some of the information, none of the information, or a lot of bad information.” – Current employee

“I feel far removed from city management and that I am the last to find out about decisions from city management. I wish there was a way to bridge this gap.” – Current employee

Source: 2022 satisfaction survey

Lack of support from city or department management was among the most common reasons why surveyed employees looked for another job in the year prior. Additionally, 46 percent of surveyed employees reported that they did not believe city management cares about employees, compared to 27 percent who did (27 percent neutral). These responses suggest there may be opportunities for city and department leaders to build stronger communication with employees and develop strategies to ensure employees feel adequately supported at all levels of the organization.

## Recommendations

To ensure job duties align with job descriptions, we recommend the City Manager's Office:

**2.1** Review the highest priority city job descriptions to ensure they accurately reflect job duties.

To alleviate workloads associated with Council referrals, we recommend:

**2.2** City Council consider staff capacity when introducing new legislation, and limit or prioritize new legislation during periods of short staffing.

**2.3** The City Manager's Office report on the status of approved projects to City Council, including information about delays caused by staff vacancies.

To improve employee satisfaction, we recommend the City Manager's Office:

**2.4** Improve pathways for promotion in the City through a citywide succession plan, which may include cross-training for positions.

**2.5** Direct departments to ensure that all employees receive an annual performance evaluation.

To improve employee satisfaction, we recommend Human Resources:

**2.6** Implement a comprehensive training program that ensures staff at all levels receive the training they need to fulfill their job duties and develop their job skills as needed. Consider increasing the training budget and redesigning the training curriculum to best address the needs of a post-pandemic workforce, improving training for supervisors and managers, ensuring that experts conduct trainings, and allowing employees to request specific trainings.

To improve transparency, we recommend Human Resources:

**2.7** Ensure that all city employees complete mandatory trainings in accordance with the state law. Report data on mandated trainings to Council annually.

We also recommend the City Manager's Office:

- 2.8 Update City Council on the recruitment status of hard-to-fill positions during the biennial budget process, as well as steps taken to fill these positions.
- 2.9 Identify positions that are hard-to-recruit and retain and consider reassessing pay for those positions.

To improve communication channels in the City, we recommend the City Manager's Office:

- 2.10 Assess employees' needs regarding communication from the City Manager's Office and design a communication strategy that addresses those needs.

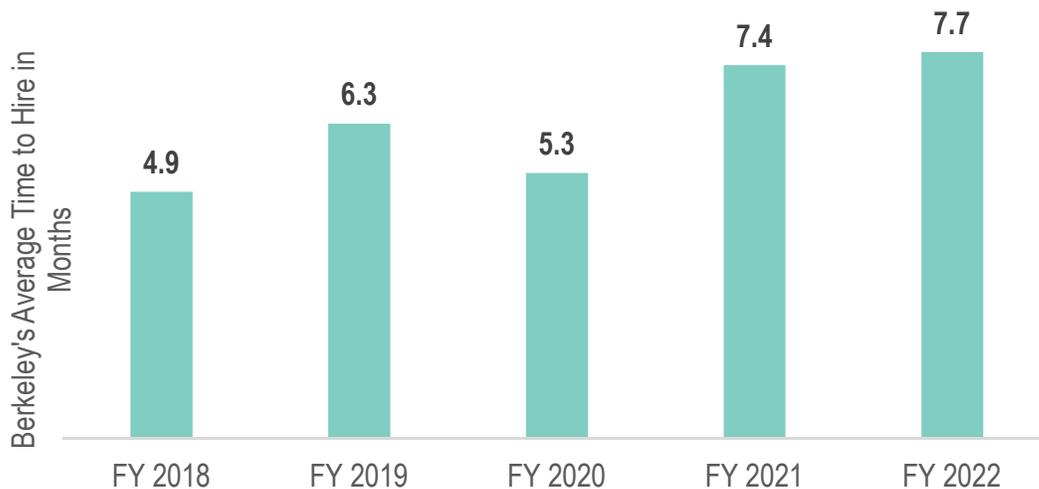
## Instability in Human Resources delayed hiring and impacted internal services.

The average time it takes to hire increased by almost three months between fiscal years 2018 and 2022, from 4.9 months to 7.7 months. Understaffing and instability in HR contributed to these hiring delays during our audit period. Additionally, increases in the number of budgeted positions in HR did not keep pace with increases in budgeted positions citywide. Thus, remaining staff in HR were burdened with heavy workloads to manage the City's hiring needs. There are opportunities for HR to improve citywide hiring practices as well as onboarding for new employees.

### The average time to hire increased by almost three months.

One of HR's established performance measures is to reduce the average time to hire each year, but it has increased since fiscal year 2018. According to Berkeley's internal hiring data, the average time it takes for Berkeley to hire new employees increased from 4.9 to 7.7 months between fiscal years 2018 and 2022 (Figure 10).<sup>8</sup> During the audit period, HR did not hire fast enough to address the growing gap between resignations and retirements compared to new hires as shown in Figure 2 (page 8).

**Figure 10. The average time to hire increased since fiscal year 2018.**



Source: NEOGOV

<sup>8</sup> The time to hire calculation measures the average time between the date the department created a requisition to hire a new employee and the date of the employee's first day on the job.

One explanation for the hiring timeline increase may be the citywide hiring freeze that lasted from April 2020 to September 2022. The City asked departments to suspend all hiring activities, though they could request exceptions to be approved by the City Manager on a case-by-case basis. The additional approval may have lengthened the hiring timeline.

Another factor of the increased hiring timeline may be HR’s instability due to their staff shortage. HR had the highest vacancy rate among departments in October 2022, at 45 percent (Figure 11). HR’s vacancy rate more than quadrupled between 2018 and 2022, from 10 percent to 45 percent.<sup>9</sup> Therefore, fewer HR staff were available to work on hiring and filling vacancies in other departments. There was also a loss of institutional knowledge in the department when many employees departed. Some positions turned over multiple times—26 HR employees left the City between fiscal year 2018 and fiscal year 2022. For context, HR was budgeted to have 21 FTEs in fiscal year 2018, and 22 FTEs beginning in fiscal year 2020. As of September 2022, the average employee tenure in HR was 3.1 years compared to the citywide average tenure of 10.4 years. According to the Society for Human Resources Management, losing key employees can impact workflow and result in productivity losses. These impacts were felt around the City, as HR provides hiring support and other internal services to every department.

**Figure 11. Human Resources had the City’s highest vacancy rate in October 2022.**



Source: Department directors

<sup>9</sup> This number is based on a point-in-time count using payroll data from October 2018 and a department director interview from 2022.

There has additionally been instability within HR leadership. During the audit period, there were four different people in the role of HR Director. Leadership turnover can lead to organizational instability, lower employee morale and productivity, and decrease employee retention.

In addition to vacancy challenges, the number of budgeted positions in HR has not kept pace with citywide increases in the number of FTEs. The City added about 126 additional full-time positions between fiscal years 2018 and 2022, but only one of these new positions was allocated to the HR department. According to the HR Director, the 126 new positions increased recruitment and hiring demands, as well as the need for HR support in areas including transactions, training, employee relations, benefits, equal employment opportunity investigations, occupational safety, and workers' compensation. The HR Director also noted that some of these HR functions were staffed by a single member of the department. If a staff member took time off or left the City, there may have been no one managing an essential HR function. This combined with HR's high vacancy rate may have contributed to the issues with personnel data we discuss in Finding 5 on page 36.

HR was faced with a cyclical problem over the audit period: the City's average time to hire increased (Figure 10) due in part to lack of staff capacity in HR (Figure 11). Some former employees reported that they left the City because of an unmanageable workload tied to staff shortages, which only increased the overall number of vacancies for HR to help fill. The *Employer of Choice* report also identified the importance of investing in HR and recommended hiring up to six additional FTEs in HR. As of May 2023, City Council authorized HR to hire three additional HR staff members.

HR is now in the process of stabilizing. As of May 2023, HR has staffed 95 percent of the department's original 22 FTEs. Other department directors have noticed a positive change, with one stating:

The team that has been assembled is responsive, informative, and has demonstrated an ability to support our needs, which is not an easy task. Having an effective, responsive and knowledgeable HR team is critical to maintaining operations throughout the City and I am so grateful to the team as I know how hard they are working to support us.

## Ineffective procedures may have contributed to hiring challenges.

There are opportunities for HR to modernize, streamline, and standardize hiring procedures. Updating hiring processes can help the City attract and hire qualified candidates in order to fill vacancies.

HR did not generally use modern hiring processes during the audit period. For example, HR has not historically used LinkedIn, or other job boards such as college and university job boards as recruiting platforms. Additionally, according to one manager, application processes could be lengthy due to multiple supplemental questions included in the application. Best practices for hiring recommended by the Society for Human Resources Management include using social media to advertise positions, making sure the application process is streamlined and easy-to-use, and collaborating with universities, colleges and high schools to increase the applicant pool. Some department directors also expressed that the management approval process for new positions slowed down the hiring process.

HR did not provide department hiring managers with comprehensive procedures or trainings for the hiring process during the audit period. One department director stated that they never received any training from HR on citywide recruitment processes, and they had to learn the City's hiring system NEOGOV on an ad hoc basis.<sup>10</sup> The former Interim HR Director also noted that the department had no one to train HR employees on how to use NEOGOV. According to the current HR Director, HR has recently developed trainings on the City's hiring process and how to use NEOGOV, and they have conducted these trainings with some departments. The HR Director also stated that every department now has an assigned HR analyst who works with departments to strategize for recruitments.

## Some surveyed employees reported inadequate onboarding.

Thirty-eight percent of surveyed employees did not believe that HR provided them with adequate onboarding to the City, compared to 36 percent who did (26 percent neutral). Onboarding involves providing the employee with the tools and information they need to become a productive member of the team. According to the Society for Human Resources Management, a well-designed onboarding process can improve employee engagement and retention.

# 38%

of surveyed employees did not think HR provided them with adequate onboarding to the City.

<sup>10</sup> NEOGOV is a talent management system used by many public sector agencies, including the City of Berkeley. The City uses NEOGOV software to support the City's hiring process.

Of the surveyed employees who answered demographic questions, 51 percent of employees hired within the past two years were dissatisfied with their onboarding, compared to 37 percent of employees hired before then. This may indicate that the quality of the City's onboarding process has declined in recent years. This time period overlaps with the COVID-19 pandemic, which may have impacted employees' onboarding experiences. Nevertheless, it is still important to ensure employees receive adequate onboarding so that they feel welcomed and understand their role and responsibilities.

## Recommendations

To improve hiring procedures, we recommend the City Manager's Office:

- 3.1 Assess the level of staff and resources needed to meet the City's recruitment and hiring needs. Prioritize filling these positions when vacancies in this area fall below a level that would jeopardize the City's ability to hire quickly.
- 3.2 Assess the approval process for hiring new employees and identify opportunities to reduce inefficiencies.

We also recommend Human Resources:

- 3.3 Develop and execute a plan to modernize recruitment and hiring using social media and community engagement.
- 3.4 Communicate standard procedures and trainings for NEOGOV and the City's hiring process to all department heads and hiring managers.
- 3.5 Improve the employee onboarding process so employees have the tools and information they need to do their jobs.

## Telework can benefit the City but the current policy is limited.

Among surveyed employees who were able to telework, 64 percent reported being satisfied with their experience. In addition to other benefits, telework may help retain employees by increasing employee satisfaction, performance, and commitment to the organization. It may also serve as a draw to potential applicants. Telework may also produce additional environmental and financial benefits to the City. Still, the current telework policy is not comprehensive and lacks accountability.

### Most surveyed city employees report being satisfied with telework.

In March of 2020, the City began allowing some employees the option to telework in response to the COVID-19 pandemic. The City prohibited teleworking prior to 2020. This policy was implemented quickly due to the pandemic emergency, and there has not been much analysis on the impact of telework on employees. Therefore, we asked current employees about their satisfaction with telework.

Sixty-seven percent of all survey respondents believed they could do some or all of their work remotely, while 33 percent did not. Though some employees cannot telework based on their job duties—public safety officers, maintenance workers, and others—the majority of city employees have some job duties that can be done remotely. Of the employees we surveyed who were able to telework, 64 percent reported being satisfied with their experience. Only 15 percent reported being dissatisfied with telework (21 percent neutral). When asked to elaborate on their telework responses, the majority of employees described the positive impacts of telework on their life. This included decreased commute time, improved job satisfaction, improved work-life balance, and improved workplace safety. Seventy-five percent of surveyed employees who telework reported still feeling connected to their colleagues. Fifty-two percent of surveyed employees who telework also stated they would look for other employment if they are not able to telework at least some of the time. This indicates that telework is an important factor in retaining Berkeley employees.

# 52%

of surveyed employees who telework said they would seek other employment if the City removes the option to telework.

**Staff Perspectives**

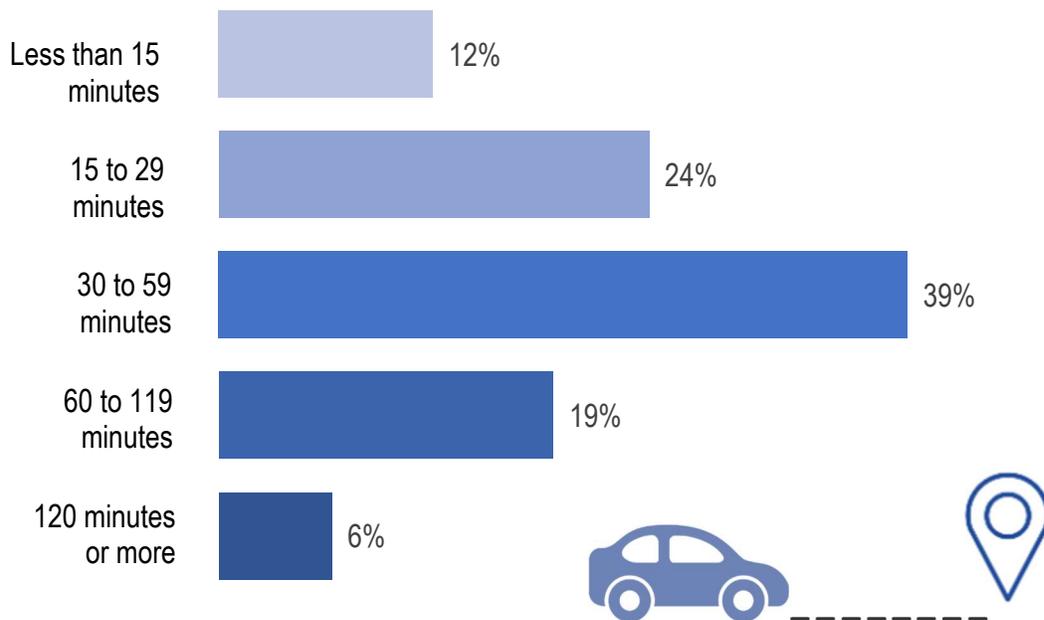
“I am grateful for the City’s decision to continue telework. It allows me to save time and money on commuting. [...] My colleagues and I all work effectively from home and stay connected via phone, email, Teams chat and conference calls. Remote work is a primary consideration for staying with the City.” – Current employee

“Being able to telework is a fantastic aspect of working with the City. The City’s COVID rules are rarely followed in the offices, so being able to cut down on exposure time is great, especially because I have a young infant and an immunocompromised spouse at home.” – Current employee

Source: 2022 satisfaction survey

Telework is one method of reducing employee commute times, which may increase employee satisfaction. Many City of Berkeley employees have long work commutes, as only 17 percent of full-time employees live in Berkeley. The majority of surveyed employees reported commuting 30 minutes or more to their worksite, with a quarter reporting a commute of an hour or more (Figure 12). Telework can therefore alleviate the burden of a long commute for these employees and the time spent commuting can be replaced with something more valuable to the employee.

**Figure 12. A quarter of surveyed employees reported commuting an hour or more to work.**



Source: 2022 satisfaction survey

Telework likely increased employee wellbeing and overall satisfaction for those who were able to telework during the pandemic, but some employees expressed needing telework policies that were fairer and more flexible. Over a quarter of surveyed employees expressed that they did not feel safe going to their worksite because of COVID-19. In open-ended survey responses, employees expressed different opinions regarding COVID-19 safety. Some believed the City provided enough protection around the virus, while others expressed concern about contracting COVID-19 at their worksite. Some felt that the City was inflexible around telework allowances, even for employees with underlying health conditions.

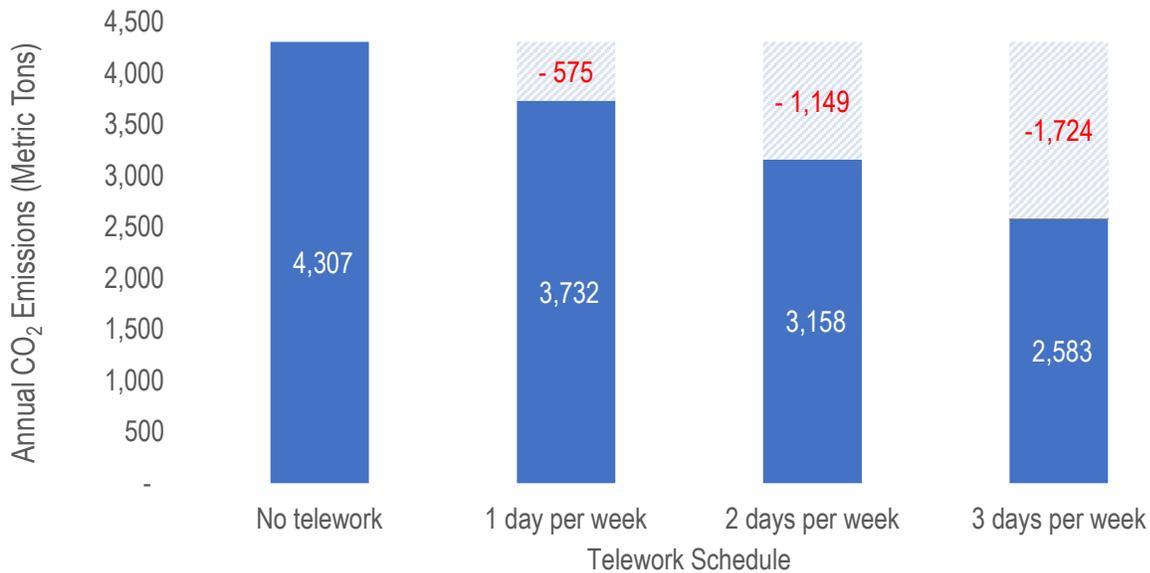
### Telework may have additional benefits to the City.

There may be additional recruitment, environmental, financial, and disaster preparedness benefits associated with telework.

Telework can improve the recruitment pipeline by increasing the pool of available applicants to city positions. Many job seekers specifically look for flexible and remote working arrangements in an organization, therefore, Berkeley may be a more attractive employer by offering telework. Additionally, if Berkeley lacks funding to invest in improving workspaces, allowing employees to telework is one way to remain competitive with other organizations hiring from the same candidate pool. Other government organizations are also responding to job seekers' increased desire for telework. A recent NEOGOV survey of public sector HR directors found that 30 percent of organizations had expanded telework opportunities in order to attract more job candidates. This number will likely increase in the coming years as the public sector adapts to changing workforce norms.

Telework can also reduce carbon emissions created from employee commutes. An analysis of carbon emissions shows that if full-time career employees commute to Berkeley five days a week, this will generate approximately 4,307 metric tons of carbon annually. By allowing employees to work from home, the City can reduce its carbon footprint generated by employee commutes. We estimate that the City could reduce carbon emissions tied to employee commutes between 575 and 1,724 metric tons per year depending on the level of telework (Figure 13). Decreasing the emissions from employee commutes also aligns with Berkeley's Climate Action Plan goal to reduce the year 2000 emission levels by 80 percent by 2050.

**Figure 13. Telework can reduce the amount of CO<sub>2</sub> produced by employee commutes.**



Note: This calculation assumes 67 percent of full-time, career employees are participating in telework program. The current telework policy states employees can telework up to three days per week. We did not receive information on the number of city employees teleworking or how often they are teleworking.

Source: Berkeley City Auditor analysis

Telework can potentially reduce some costs for the City. Based on an analysis conducted by Global Workplace Analytics, *Telework in the 21<sup>st</sup> Century*, employers can save an estimated \$11,000 per half-time telecommuter per year.<sup>11</sup> Their estimate includes cost savings as a result of increased productivity, lower real estate costs, reduced absenteeism and turnover, and better disaster preparedness. We did not conduct an analysis of potential savings in the City of Berkeley.

Having a telework plan is a critical component of any emergency operations plan. During the COVID-19 pandemic, telework allowed the City to continue providing essential city services when employees could not be in their normal worksites. However, because the City did not have any teleworking policy or practice in place prior to the pandemic, there was no infrastructure in place for employees and managers to transition to working remotely. Having a practiced and thorough telework program would enable the City to adapt quickly to any event requiring the closure of city buildings without compromising service delivery.

<sup>11</sup> *Telework in the 21<sup>st</sup> Century*: <https://globalworkplaceanalytics.com/telecommuting-statistics>

## The telework policy is not comprehensive and lacks accountability elements.

Despite employees' overall support for telework, the City's existing telework policy is not comprehensive, and does not address accountability issues. In February 2023, the City indicated that the telework policy would continue indefinitely after notifying employees that the COVID-19 masking and vaccine mandates would end at the end of that month. As of May 2023, no updates were made to create a more robust, long-term policy, though the contractor that produced the *Employer of Choice* report was developing a hybrid workplace best practices guide. One city employee union also pointed out the need for predictable and fair work from home policies as telework continues. A comprehensive telework policy should define eligibility, work expectations, and equipment and resource requirements.

### Staff Perspectives

"Accountability needs to be redefined to make telework successful. Rather than physical presence as a measure of productivity, there should be performance benchmarks linked to clear goals with timeframes to make telework more equitable across the City. It would refocus accountability on results rather than physical presence (which is a poor indicator of productivity anyways)." – Current employee

"The City needs to identify ways to increase accountability in teleworking for it to be sustainable." – Current employee

"Berkeley doesn't provide a lot of guidance on telework policies, so we aren't able to give candidates clear information on how much flexibility they can expect." – Manager

Source: 2022 satisfaction survey, employee interviews

In open-ended survey responses, 24 employees expressed feeling that there are equity issues between teleworking and non-teleworking staff. According to a peer reviewed study, a perceived telework disparity can potentially lead to job dissatisfaction, a decrease in productivity, and difficulty retaining non-teleworking employees.<sup>12</sup> Transparency is one way to reduce perceived telework disparity. To realize the maximum benefits of teleworking, practices and policies should be made as transparent as possible. Additionally, teleworkers should provide their telework schedule and availability as well as having regular and fixed times to give updates to supervisors and colleagues.

<sup>12</sup> A Dark Side of Telework: A Social Comparison-Based Study from the Perspective of Office Workers: <https://rdcu.be/c8plU>

Updates to the telework policy can help improve transparency and encourage accountability. The current telework policy does not contain eligibility guidance, but leaves the determination of eligibility up to departments. It states that workers must be available by phone, email, or other specified method of communication during scheduled work hours, and it requires each remote worker to indicate how often they will check their email or phone during the workday. However, there appears to be no best practice guidelines in Berkeley's policy for these communication levels, and no accountability element if a remote employee is unresponsive. Berkeley's policy also does not require supervisors to justify their decision to deny telework requests.

Additionally, it is unclear which standard work equipment the City can provide to teleworkers. The policy only states that employees should contact their supervisor if they need equipment, but offers no guidance to supervisors on what they are allowed to provide to teleworkers. One department director said that the City did not consistently offer adequate training for supervisors of teleworking employees during the audit period.

The State of California, Alameda County, and the City and County of San Francisco developed comprehensive telework policies and guides for their employees (Table 2). These telework policies all require employees to receive training before teleworking, as well as specific trainings for supervisors to effectively manage their teleworking teams. These policies also outline a clear process for requesting equipment. Alameda County's policy has a checklist that managers must review before allowing a supervisee to telework, to ensure that the employee will be successful. Supervisors in the State of California and Alameda County are additionally required to justify their decision to deny or request a modification to employees' telework requests.

**Table 2. The City of Berkeley does not have a comprehensive telework policy.**

| Elements of a Comprehensive Policy                                                                       | State of California | Alameda County | City and County of San Francisco | City of Berkeley |
|----------------------------------------------------------------------------------------------------------|---------------------|----------------|----------------------------------|------------------|
| The policy requires employees to be available for contact while teleworking.                             | ✓                   | ✓              | ✓                                | ✓                |
| The policy states that employees must comply with health and safety requirements at their telework site. | ✓                   | ✓              | ✓                                | ✓                |
| The policy has specific eligibility guidance.                                                            | ✓                   | ✓              | ✓                                | X                |
| The policy has clear communication guidelines and expectations.                                          | ✓                   | ✓              | X                                | X                |
| There is an accountability element for unresponsive employees.                                           | ✓                   | ✓              | ✓                                | X                |
| There are clear instructions for requesting equipment.                                                   | ✓                   | ✓              | ✓                                | X                |
| There are training resources and requirements.                                                           | ✓                   | ✓              | ✓                                | X                |
| Supervisors must provide justification for denying telework requests.                                    | ✓                   | ✓              | X                                | X                |

Source: State of California telework guide, Alameda County telework policy, City and County of San Francisco's teleworking policy, City of Berkeley telework policy

## Recommendations

To improve the telework policy, we recommend the City Manager's Office:

- 4.1 Identify ways of reducing unused space in city buildings to save on overhead costs. This initiative may require additional resources beyond city staff.
- 4.2 Expand the citywide telework policy to include elements that align with best practices. This can include eligibility, employee accountability, equipment requests, telework training, and justifications for denying employee requests to telework.

## The City lacked reliable data to address staff shortages.

Berkeley did not maintain accurate data to track retention trends. The City's internal personnel data system, ERMA, was unable to produce reliable reports on vacancy and turnover rates during our audit period. Inaccurate data may impact the City's service delivery if it cannot identify and respond to department vacancies or staff shortages in real-time. The City also has not consistently collected data on employee satisfaction. HR has not consistently sent exit surveys to departing employees or shared the data with departments. Additionally, city management has not reported sufficient data in recent years to track progress towards its diversity, equity, inclusion and accessibility goals and identify opportunities for improvement.

## The City did not have reliable data on retention trends.

According to data systems owners in the City, ERMA was unable to produce reliable vacancy reports during our audit period. This means department directors did not receive vacancy data from HR and had to manually calculate vacancy rates. The **vacancy rate** is the percent of vacant positions within an organization. ERMA was also unable to produce accurate turnover reports during the audit period. The **turnover rate** measures the number of employees who leave in a given time period. Due to the City's data challenges, we could not report on any information regarding employee turnover.

**Table 3. Key Retention Data Was Unreliable**

| Data          | Definition                                                                | Status     |
|---------------|---------------------------------------------------------------------------|------------|
| Vacancy rate  | Percent of total positions that are vacant.                               | Unreliable |
| Turnover rate | Percent of employees to leave an organization during a given time period. | Unreliable |

Source: Auditor conclusion

Calculating turnover allows organizations to monitor the movement of employees out of an organization over a specific time period rather than a single point in time. Tracking data on employee retention such as vacancies and turnover rates helps organizations identify and proactively address employee retention challenges. The International Public Management Association, an organization that represents HR professionals in government, states that HR professionals must have access to accurate, real time workforce data. Maintaining accurate workforce data is also important when developing the budget. The Government Finance Officers Association notes that since salaries generally make up the greatest portion of the expenditure budget, governments should use personnel data to account for the number of budgeted positions and expected vacancies. According to the HR Director, the City's ability to produce accurate and reliable vacancy and turnover reports are limited by pre-set data fields in ERMA which do not always capture data that HR would like to track. Custom data fields do not feed automated dashboards but must be manually extracted. The City is currently working on solutions to improve ERMA's reporting capabilities.

The City's personnel system is cumbersome and prone to errors. According to data system owners, migrating data from the previous system FUND\$ to ERMA in 2021 resulted in errors. Consequently, certain employee information was missing or incorrect in ERMA. Other data errors may have been due to the system's inability to accurately represent underfilled positions, or data entry errors that went unresolved. According to the former Interim HR Director, there were no established procedures around entering and managing personnel data in ERMA.

With these data limitations, the City will not be able to easily track or report on retention. This could affect the City's service delivery if it does not have the data to proactively identify concerning trends in vacancies and turnover. It also increases departments' workload as they manually calculate and update this data, instead of using ERMA to quickly produce a report. According to the HR Director, HR has made progress in cleaning up personnel data and engaged a consultant to produce accurate reports in ERMA.

### **The City did not consistently collect data on employee satisfaction or conduct exit surveys.**

With the exception of the recent *Employer of Choice* report, the City has very little data on employee satisfaction and does not share available data with departments. While HR has an exit survey, they have not sent it to every employee who resigns, and the number of responses is low. Additionally, the data HR does collect is not shared with departments, and it is unclear how the City uses the data. Further, there is currently no process in place for ongoing monitoring of retention and satisfaction data.

Most of the departments we interviewed have some method of conducting exit interviews with departing employees, though exit interviews are sometimes sporadic depending on the size of the department and their available resources. The Public Works department additionally collects yearly internal satisfaction data. However, there is no organized citywide effort to collect satisfaction data and compare trends.

Collecting satisfaction data can help organizations understand employee experiences and take steps to reduce internal dissatisfaction, thus improving retention. For example, the U.S. Office of Personnel Management conducts an annual survey on employee engagement—the Federal Employee Viewpoint Survey—in order to report on trends in employee satisfaction. Surveys or interview data can identify the most common causes of dissatisfaction, thus allowing the City to develop a targeted approach to improving retention.

**Employee engagement** refers to the sense of purpose and commitment employees feel toward their employer and its mission.

**Employee satisfaction** is a measure of how satisfied employees are with different aspects of their work including their job, organization, pay, and others.

## The City lacked a robust data-informed approach to meet its diversity, equity, inclusion, and accessibility workforce goals.

The City recognizes the importance of maintaining a diverse workforce, however, it has not reported sufficient data in recent years to track progress towards its goals and identify opportunities for improvement.

Promoting diversity in the government workforce is important for a number of reasons, including retention. Fostering a diverse and inclusive workplace can help organizations reduce turnover, increase employee retention across demographic groups and improve morale. Regular assessment of employee satisfaction could help the City uncover diversity, equity, inclusion and accessibility (DEIA) concerns that impact retention. As noted in the previous section, the City does not regularly collect data on employee satisfaction, including employees' perceptions of DEIA in the workplace. Some employees raised concerns about DEIA in their open-ended survey responses, which suggests that it is an important factor in employee satisfaction.<sup>13</sup> A regular citywide survey of employees would allow the City to target common DEIA concerns among employees or prioritize interventions to address those concerns. The U.S. Office of Personnel Management has demonstrated how to do this by recently adding DEIA questions to its Federal Employee Viewpoint Survey, along with a DEIA score based on survey responses.

<sup>13</sup> These concerns echoed some of the issues brought forth by 20 current and former employees who filed complaints with the Berkeley Branch of the NAACP and were interviewed by Mason Tillman Associates in 2014. Mason Tillman Associates noted the following dominant themes which emerged from their analysis: absence of transparency in the hiring and promotion process; failure to hold supervisors, managers and directors accountable for their actions; and inconsistent application of rules and regulations in the hiring and promotion process.

One of the City's strategic plan goals is to attract and retain a talented and diverse City government workforce. According to the proposed budget for fiscal years 2023 and 2024, one of HR's performance measures is to ensure that City demographics reach parity with Alameda County demographics and identify and address racial and ethnic disparities in the City workforce. In the past, the City's Equal Employment Office has provided the Personnel Board with Year End Workforce reports which analyze demographic trends across indicators like hires, promotions, and leadership roles compared to the U.S. Census American Community Survey (ACS) data for Alameda County. However, the reports have not been produced since fiscal year 2020. According to HR, the department plans to produce these reports again and is exploring the feasibility of automating these reports.

A full demographic analysis of the city workforce was outside the scope of this audit. However, we identified some retention trends in the Year End Workforce reports that merit closer attention. For example, in fiscal year 2020, Hispanic or Latino employees made up 19 percent of all employees, 9 percent of supervisors and managers, and there were no Hispanic or Latino employees in deputy director or director roles. This is based on the most recent report available; there may have been demographic changes since the fiscal year 2020 report.

While comparing the demographic breakdown of Berkeley's workforce to the Alameda County ACS sheds light on where Berkeley stands compared to one relevant labor market, it is also important to monitor workforce trends across all levels of the City employee population (i.e. staff, managers, and supervisors) to gain a better sense of representation within the organization. The City's performance measure on employee diversity does not report on all levels of employment. However, looking at the data in this way could highlight potential barriers, for example, pipelines into manager- or director-level roles.

## Recommendations

To improve internal data systems, we recommend Human Resources:

- 5.1 Clean up personnel data in ERMA to ensure all employee data is accurate.
- 5.2 Develop standardized procedures for entering and managing personnel data in ERMA.
- 5.3 Produce reports that can be used to inform retention and hiring efforts, which may include data on vacancies, recruitments, turnover, or other useful data. Human Resources should also report to City Council on staff vacancies by department and how long those positions have been vacant.
- 5.4 Consistently conduct exit surveys or interviews and share results with departments.

To better manage retention efforts, we recommend City Council:

- 5.5 Determine the appropriate city department or other body to regularly collect data on employee satisfaction. Data collection should include employees' perceptions about diversity, equity, inclusion, and accessibility in the workplace. The department should consider publishing the data and comparing it to previous years to help inform retention efforts.

To improve reporting on diversity, equity, inclusion, and accessibility, we recommend the City Manager's Office and Human Resources:

- 5.6 Resume data collection and production of Year End Workforce Reports on demographic workforce trends at least annually. Consider expanding Human Resources' performance measure reported in the budget book to capture diversity at all levels of city employment.

## Recommendations and Management Response

We provided a draft of this report to city management and HR for review and comment. City management agreed with our findings, conclusions, and recommendations. We generally expect the City to implement audit recommendations within two years of report issuance. Some of the following recommendations may be implemented immediately, or require a longer timeframe to implement depending on available resources. We believe these recommendations are a worthwhile investment for the City.

- 1.1** To better manage retention, we recommend the City Manager’s Office establish citywide retention goals and report to City Council on progress towards those goals biennially.
- Implementation Date:** 1 year
- Corrective Action Plan:** Upon stabilizing the City’s hiring crisis, Human Resources will establish staffing goals (e.g., hiring over attrition) and metrics by which to measure them (e.g., reductions in vacancy rates).
- 1.2** To better manage retention, we recommend the City Manager’s Office conduct a staffing analysis based on critical needs to identify the number and type of full-time equivalent positions needed for successful city operations and services. The City may consider conducting this analysis one department at a time based on available resources.
- Implementation Date:** 2+ years
- Corrective Action Plan:** A staffing analysis of the recommended scale – involving operational departments, Human Resources, and the Budget team – is beyond the capacity of the City’s current staff. In order to be implemented, the recommendation would need funding and external resources (i.e., the involvement of a consulting firm) or a drastic reduction of current priorities.
- 2.1** To ensure job duties align with job descriptions, we recommend the City Manager’s Office review the highest priority city job descriptions to ensure they accurately reflect job duties.
- Implementation Date:** 2 years
- Corrective Action Plan:** Human Resources has already embarked on this endeavor, working with departments and the Personnel Board to revise key classification specs as vacancies occur. Revisions, however, are time-consuming, since they involve researching changes to the job class, drafting new language, negotiating the edits with labor groups, conducting a compensation study and submitting the change proposals to the Personnel Board for review and approval and then to council for adoption. Given that HR has limited staff and a slew of other deliverables, the revision process will necessarily move forward in priority order over the course of two years, unless resources are invested for outside contractors to assist with the workload.

- 2.2** To alleviate workloads associated with Council referrals, we recommend City Council consider staff capacity when introducing new legislation, and limit or prioritize new legislation during periods of short staffing.
- Implementation Date:** 1 year
- Corrective Action Plan:** Staff currently articulate in staff reports and communications to the City Council regarding staff capacity to implement new legislation. In addition, the City Manager presented in December 2022 to the City Council regarding the staffing crisis the City is currently facing. Opportunities to enhance communications of this nature can be explored with the City Council.
- 2.3** To alleviate workloads associated with Council referrals, we recommend the City Manager’s Office report on the status of approved projects to City Council, including information about delays caused by staff vacancies.
- Implementation Date:** 1 year
- Corrective Action Plan:** Staff currently articulate in staff reports and communications to the City Council regarding staff capacity to implement new legislation. In addition, the City Manager presented in December 2022 to the City Council regarding the staffing crisis the City is currently facing. Opportunities to enhance communications of this nature can be explored with the City Council.
- 2.4** To improve employee satisfaction, we recommend the City Manager’s Office improve pathways for promotion in the City through a citywide succession plan, which may include cross-training for positions.
- Implementation Date:** 2 years
- Corrective Action Plan:** Human Resources will plan for promotional pathways through succession planning and cross-training while being mindful of inherent restrictions imposed on this effort by the relatively modest size of the City’s workforce, particularly in smaller City departments/divisions.
- 2.5** To improve employee satisfaction, we recommend the City Manager’s Office direct departments to ensure that all employees receive an annual performance evaluation.
- Implementation Date:** 18 months
- Corrective Action Plan:** Human Resources will reconfigure the employee evaluation process with the mindset that performance assessment and feedback should be continuous, constructive, and growth-minded, rather than limited to 12-month intervals.

- 2.6** To improve employee satisfaction, we recommend Human Resources implement a comprehensive training program that ensures staff at all levels receive the training they need to fulfill their job duties and develop their job skills as needed. Consider increasing the training budget and redesigning the training curriculum to best address the needs of a post-pandemic workforce, improving training for supervisors and managers, ensuring that experts conduct trainings, and allowing employees to request specific trainings.
- Implementation Date:** 18 months
- Corrective Action Plan:** Human Resources has already initiated a re-imagining of the workforce training curriculum, with specific focus on supervisory, non-supervisory, and safety-sensitive positions. This effort includes a redesign of the Leadership Development Program and the new Skilled Workers Academy to maximize efficiency and effectiveness. Many current employees have gone through this program already.
- 2.7** To improve transparency, we recommend Human Resources ensure that all city employees complete mandatory trainings in accordance with the state law. Report data on mandated trainings to Council annually.
- Implementation Date:** 1 year
- Corrective Action Plan:** Human Resources has already identified compliance with mandatory trainings as a top priority for the 2023 calendar year. Departments are asked to meet compliance milestones throughout the year, reaching 100% by December 31.
- 2.8** To improve transparency, we recommend the City Manager's Office update City Council on the recruitment status of hard-to-fill positions during the biennial budget process, as well as steps taken to fill these positions.
- Implementation Date:** 18 months
- Corrective Action Plan:** Human Resources has already instituted a system of prioritizing departments' most critical hiring needs. Once vacancy rates are stabilized, HR will highlight remaining hard-to-fill positions during every biennial budget process, along with articulating the measures implemented to recruit for them.

- 2.9** To improve transparency, we recommend the City Manager’s Office identify positions that are hard-to-recruit and retain and consider reassessing pay for those positions.
- Implementation Date:** 18 months
- Corrective Action Plan:** The City is already piloting a hiring pay incentive for certain positions in the Police Department but is mindful that reassessing pay for hard-to-recruit positions involves a complex set of considerations, including internal alignment (affecting supervisory or related classifications), internal equity, and labor negotiations.
- 2.10** To improve communication channels in the City, we recommend the City Manager’s Office assess employees’ needs regarding communication from the City Manager’s Office and design a communication strategy that addresses those needs.
- Implementation Date:** 1 year
- Corrective Action Plan:** This effort is currently underway as part of the Employer of Choice initiative. The Communications Division is currently meeting regularly with departments to assess communication needs. Additionally, a quarterly Employer of Choice newsletter goes out to all employees, in addition to the already-existing Berkeley Matters publication available to all employees. The City Manager's Office will continue to explore ways to enhance employee communications as envisioned by the Employer of Choice initiative.
- 3.1** To improve hiring procedures, we recommend the City Manager’s Office assess the level of staff and resources needed to meet the City’s recruitment and hiring needs. Prioritize filling these positions when vacancies in this area fall below a level that would jeopardize the City’s ability to hire quickly.
- Implementation Date:** 6 months
- Corrective Action Plan:** Recommendations to increase staffing within the Human Resources Department were made by the Municipal Resource Group (MRG) as part of its Employer of Choice roadmap, and the City Council has already allocated three additional positions for HR, two of which have been filled; requests for another three positions are pending.
- 3.2** To improve hiring procedures, we recommend the City Manager’s Office assess the approval process for hiring new employees and identify opportunities to reduce inefficiencies.
- Implementation Date:** 6 months
- Corrective Action Plan:** Human Resources has already re-ordered the sequence in which hiring approvals are processed but will seek out further opportunities to enhance efficiencies.

**3.3** To improve hiring procedures, we recommend Human Resources develop and execute a plan to modernize recruitment and hiring using social media and community engagement.

**Implementation Date:** 1 year

**Corrective Action Plan:** Human Resources has already commenced these efforts pursuant to the Employer of Choice initiative. With funding allocated by Council, the department is in the process of issuing a Request for Proposal to engage a marketing firm that will provide a full suite of recruitment services on digital platforms and social media in order to broaden outreach to high-caliber candidates of diverse backgrounds.

**3.4** To improve hiring procedures, we recommend Human Resources communicate standard procedures and trainings for NEOGOV and the City’s hiring process to all department heads and hiring managers.

**Implementation Date:** 6 months

**Corrective Action Plan:** Human Resources has already designed trainings on the use of NEOGOV for maximized efficiency in the hiring process, including the scheduling of interviews and the issuance of e-offers and e-reference checks. HR has conducted this training for the hiring managers of the largest departments, including Public Works, Planning, and Health, Housing & Community Services (HHCS), and will roll it to out all remaining departments before the end of the calendar year.

**3.5** To improve hiring procedures, we recommend Human Resources improve the employee onboarding process so employees have the tools and information they need to do their jobs.

**Implementation Date:** 6 months

**Corrective Action Plan:** Human Resources has already automated the onboarding process so that new employees can submit pre-employment paperwork, make benefits selections, and review City policies electronically. Within the next six months, HR will develop and implement a broader “Welcome to Berkeley” onboarding initiative designed to ease new employees into their jobs and provide them with all necessary tools for success.

- 4.1** To improve the telework policy, we recommend the City Manager’s Office identify ways of reducing unused space in city buildings to save on overhead costs. This initiative may require additional resources beyond city staff.
- Implementation Date:** 2+ years
- Corrective Action Plan:** In order to be implemented citywide, this recommendation would need significant funding and external resources allocated. Currently, the City is making incremental progress on exploring more efficient use of space on a department-by-department basis.
- 4.2** To improve the telework policy, we recommend the City Manager’s Office expand the citywide telework policy to include elements that align with best practices. This can include eligibility, employee accountability, equipment requests, telework training, and justifications for denying employee requests to telework.
- Implementation Date:** 6 months
- Corrective Action Plan:** Efforts are already underway in this regard, as the consulting firm Municipal Resource Group (MRG) is preparing a Hybrid Workplace Best Practice Guide as a supplement to its Employer of Choice roadmap.
- 5.1** To improve internal data systems, we recommend Human Resources clean up personnel data in ERMA to ensure all employee data is accurate.
- Implementation Date:** 6 months
- Corrective Action Plan:** Human Resources has already completed the bulk of this work but will continually review and refine data in order to ensure maximum accuracy.
- 5.2** To improve internal data systems, we recommend Human Resources develop standardized procedures for entering and managing personnel data in ERMA.
- Implementation Date:** 6 months
- Corrective Action Plan:** Human Resources has already implemented methods of standardizing data input and management, and will continue to refine them while navigating limitations with the ERMA system itself.

**5.3** To improve internal data systems, we recommend Human Resources produce reports that can be used to inform retention and hiring efforts, which may include data on vacancies, recruitments, turnover, or other useful data. Human Resources should also report to City Council on staff vacancies by department and how long those positions have been vacant.

**Implementation Date:** 6 months

**Corrective Action Plan:** Human Resources has already undertaken this effort by engaging a data consultant to design reports and dashboards in ERMA and in NEOGOV; however, limitations in those systems (particularly ERMA) pose impediments to this effort. Departments do provide their vacancy rates when they complete department presentations during budget and finance development each year.

**5.4** To improve internal data systems, we recommend Human Resources consistently conduct exit surveys or interviews and share results with departments.

**Implementation Date:** 2 years

**Corrective Action Plan:** Human Resources currently sends out exit surveys but lacks capacity for robust follow through, analysis, and subsequent dialogue with departments. Meaningful implementation of this recommendation would require a modest investment in staffing (e.g., a dedicated part-time HR intern).

**5.5** To better manage retention efforts, we recommend City Council determine the appropriate city department or other body to regularly collect data on employee satisfaction. The department should consider publishing the data and comparing it to previous years to help inform retention efforts. Data collection should include employees' perceptions about diversity, equity, inclusion, and accessibility in the workplace.

**Implementation Date:** 2 years

**Corrective Action Plan:** The Special Projects team working on the Employer of Choice initiative will collaborate with the to-be-hired DEI officer to implement a methodology to collect and report back on employees' perceptions about diversity, equity, inclusion, and accessibility in the workplace. This will be additional to the work being done to address the items presented in the Employer of Choice roadmap produced by MRG.

**5.6** To improve reporting on diversity, equity, inclusion, and accessibility, we recommend the City Manager’s Office and Human Resources resume producing Year End Workforce Reports on demographic workforce trends at least annually. Consider expanding Human Resources’ performance measure reported in the budget book to capture diversity at all levels of city employment.

**Implementation Date:** 1 year

**Corrective Action Plan:** Human Resources will resume reporting on demographic trends and diversity levels as part of its data analytics efforts referenced in Recommendation No. 5.3.

## Methodology and Statement of Compliance

We audited the City's approach to staff retention, including reviewing relevant Human Resources (HR) department's operations for fiscal years 2018 through 2022. We performed a risk assessment of HR's practices and procedures to identify potential internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with subject matter experts, HR staff, department directors, and current and former employees.

To gain an understanding of HR's operations and internal controls and to achieve our audit objectives, we reviewed the following:

- Survey responses from a satisfaction survey we designed and sent to current employees,
- Survey responses from an exit survey we designed and sent to former employees who voluntarily resigned or retired,
- Survey responses from an exit survey that the HR department sent,
- Internal staffing data from the City's current employee information system ERMA (January 2021 – June 2022) and FUND\$ (July 2018 – December 2020),
- NEOGOV data on the City's new hires and promotions,
- Previous audit findings and recommendations regarding understaffing and vacancies,
- City of Berkeley HR policies and procedures,
- National media on public sector hiring and retention issues,
- Professional literature and best practices for hiring and retaining employees, including telework,
- Staffing data and telework policies from local jurisdictions to compare to Berkeley, and
- Other audits in comparison cities related to employee retention.

We also conducted interviews with:

- HR staff members, including the former Interim HR Director, and the current HR Director,
- Current and former city employees,
- Union representatives from City of Berkeley bargaining groups,
- City department directors,
- City leadership including the City Manager and City Councilmembers,
- A climate policy consultant, and
- The Chair of the Personnel Board.

We analyzed:

- Satisfaction and exit survey responses,
- Vacancy rate data from department directors,
- Resignation and retirement data from FUND\$ and ERMA,
- NEOGOV data on the City's new hires and promotions,
- Commuter carbon emissions data, and
- Year End Workforce Reports from fiscal years 2018-2020, i.e. reports produced by the City showing demographic trends in the City's workforce.

We included quotes from current employees, former employees, and department directors. To protect confidentiality, we did not include any identifiable information. Further, each quote featured in this report was only edited for clarity, length, or grammar.

## Data Reliability

There are inherent limitations in using survey data to gauge employee satisfaction. However, even with those limitations, providing an anonymous survey was the most effective and efficient way to hear from a large number of current and former employees who could respond freely. During our audit, we kept the following in mind: 1) Many factors can impact a respondent's frame of mind when completing the survey, which could influence their responses either positively or negatively; 2) People who are dissatisfied are more apt to reply to the survey and ongoing changes within the City would impact perceptions day to day; 3) Unless the survey achieves a 100 percent response rate, some opinions may not be reflected in the quantitative analysis of responses; and 4) Despite our extensive preparation, respondents could have interpreted questions differently than we intended. Because the overall goal was to set a baseline of the morale at a point in time, we determined that the above factors would not create a significant risk to the accuracy of our audit findings, conclusions, and recommendations. The number of responses for both surveys was a strong indicator that the results were reliable, and the responses agreed with comments made during interviews, including discussions with employees, supervisors, and management.

We assessed the reliability of ERMA, FUND\$, and NEOGOV data by reviewing it for completeness, appropriateness, and consistency. We determined that ERMA data is reliable for the audit's purpose, with some caveats. ERMA data was reliable for pulling employee reports including resignation, retirement, hire, and service dates after January 1st, 2021. We determined the reliability of ERMA data by interviewing data owners and performing logic testing on the data. We could not confirm the accuracy of the vacancy rate or turnover data and therefore could not use it for analysis or use past employee data to analyze retention trends.

We also assessed the reliability of employee payroll data in the FUND\$ system and determined it is sufficiently reliable for the purposes of our analysis. We assessed reliability by reviewing two prior data reliability assessments from previous audits, as both audits used FUND\$ as a data source and found it to be reliable.

We additionally determined that NEOGOV data are sufficiently reliable for the audit's purpose. We determined data reliability by interviewing knowledgeable data owners, reviewing data manuals, and performing logic testing on the data. We noted a limitation in the data: there are nine new hires and five promotions whose start date was before their requisition create date. According to HR, these are employees who were hired before being entered into NEOGOV. Therefore, their requisition was created after their start date. These limitations did not significantly impact our analysis.

## Independence

Payroll Audit is a Division of the City Auditor's Office. The Payroll Audit Division performs citywide payroll functions and is a module leader for the payroll/personnel module used to record payroll costs. HR and department payroll clerks are responsible for entering employee data and collecting relevant documentation. Payroll Audit is not responsible for verifying the employee's time or the use of budget codes by the department. Further, Payroll Audit limits its review of sufficient documentation for the reported time or transaction; HR and department payroll clerks are responsible for making adjustments to ensure the accuracy of the information in the system.

To reduce the threat to our independence, we limited our work to exclude areas overseen by our office. We also selected data from closed payroll periods that was in read only status.

We relied on previous consultations with representatives from the U.S. Government Accountability Office to assess the safeguards we put in place. Based on this, we determined that the safeguards mentioned above reduced the identified threats to our independence to an acceptable level to proceed with the audit.

## Statement of Compliance

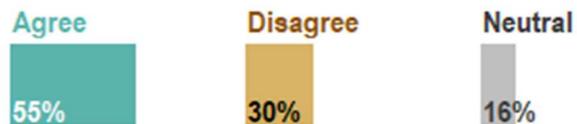
We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Appendix I. Satisfaction Survey Responses

To measure employee satisfaction levels, we surveyed current employees between August 30 and September 18, 2022. We received 771 total responses out of 2094 active employees, including part-time and temporary staff, with a response rate of 37 percent. We measured most responses on a scale from “agree”, “somewhat agree”, “neutral”, “somewhat disagree” to “disagree”. When displaying results, we combined the “agree” and “somewhat agree” responses, along with the “disagree” and “somewhat disagree” responses for simplicity. Certain questions were only accessible based on the respondent’s previous answers, for example, only supervisors could access questions about their supervising experience. To ensure employee confidentiality, the information in this report does not include individually identifiable information from the survey responses. Responses are displayed below.

### Job

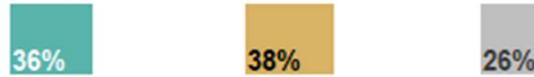
My job allows me to balance my work and personal life.



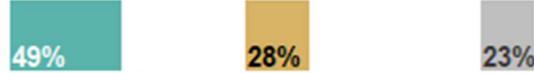
I am satisfied with my career advancement opportunities.



HR provided me with adequate onboarding to begin my job when I was hired.



I would recommend working at the City of Berkeley to a friend.



I am satisfied with my job.

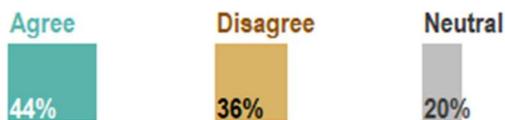


I have looked for another job in the past year.

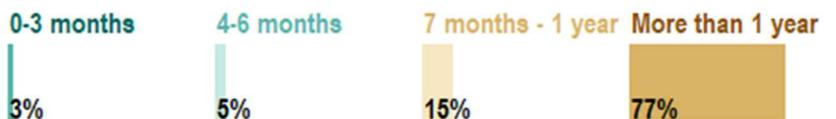


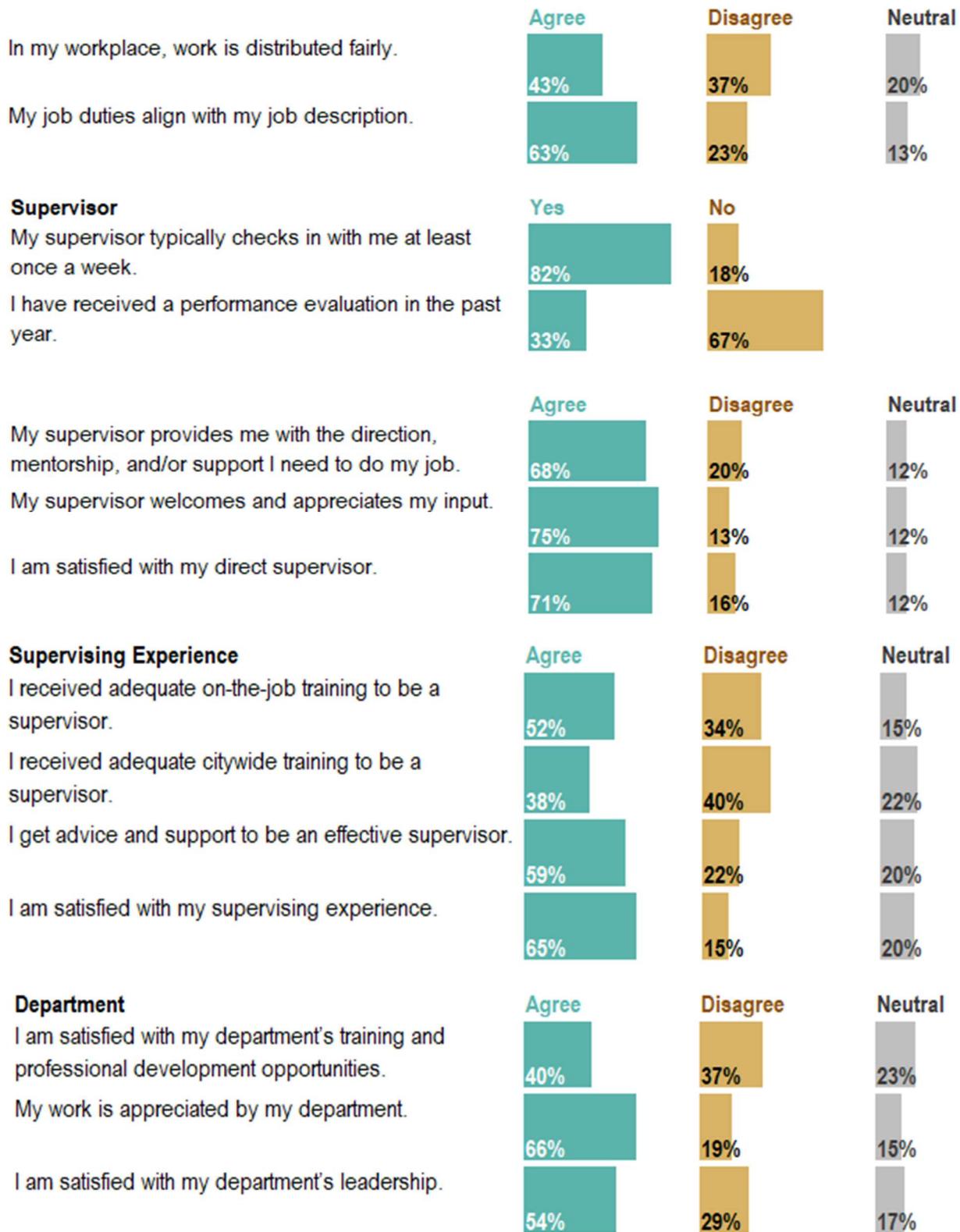
### Workload

My workload is manageable.



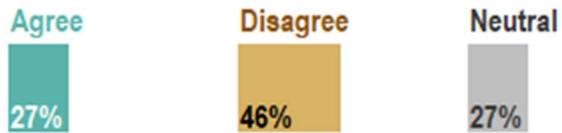
If disagree, how long has this been a problem?





**City Management**

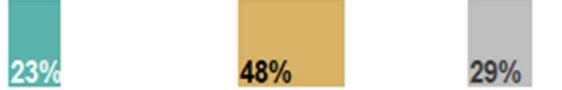
City management cares about employees.



I am satisfied with citywide training and professional development opportunities.

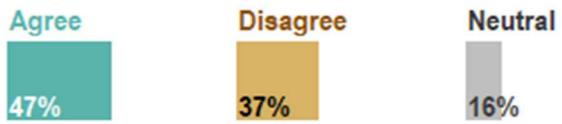


City management communicates well when making decisions that impact City of Berkeley employees.



**Compensation and Benefits**

I am satisfied with my compensation.



I am satisfied with my benefits package.



**Commute and Telework**

Given my current duties, I believe that some or all of my work can be successfully conducted remotely.



The City provides me with the materials, equipment, and training I need to successfully telework.



I feel connected to my colleagues.



If I am not permitted to telework (at least some of the time), I will find other employment.

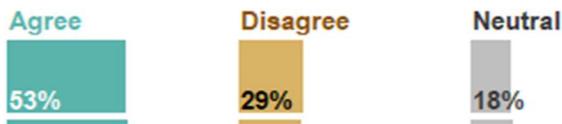


I am satisfied with my teleworking experience.

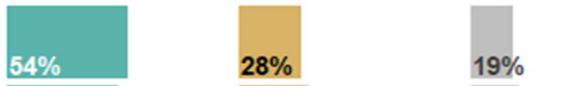


**COVID-19**

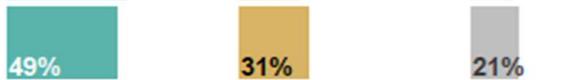
The City provides employees with adequate communication around COVID-19.



Regarding COVID-19, I feel safe going to my work site.

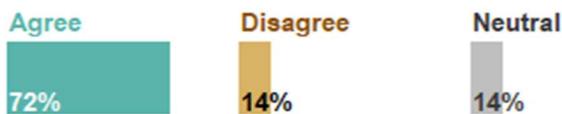


I am satisfied with the City's efforts to protect employees from COVID-19.



**Fraud, Waste and Abuse**

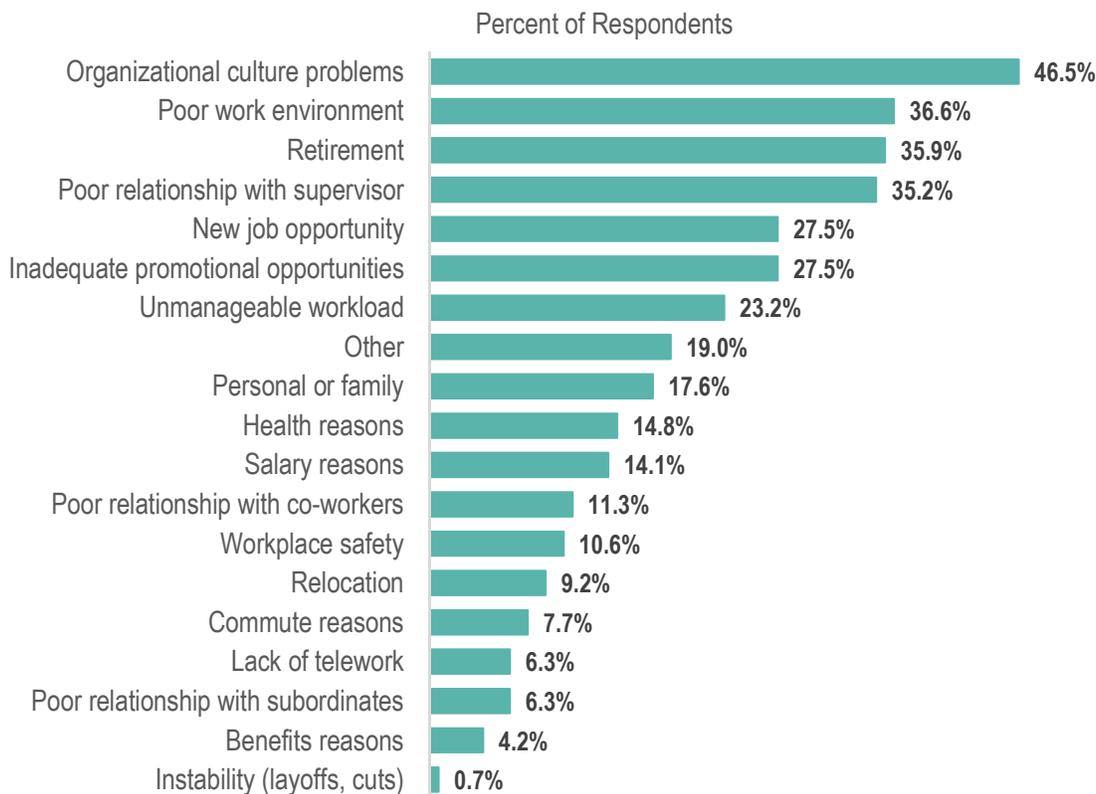
I know what to do if I encounter fraud, waste, or abuse of city resources in the workplace.



## Appendix II. Exit Survey Responses

We asked employees who left the City to respond to an exit survey. We sent the exit survey to former employees who voluntarily left the City—indicated by a termination reason marked as resignation, retirement, medical separation or disability retirement in ERMA—between fiscal years 2018 and 2022. Respondents could fill out the online survey using SurveyMonkey, or they could fill out the paper survey that we mailed to their address. We received a total of 142 responses out of 495 former employees who received the survey. We decided to conduct our own exit survey because the City received only 38 responses to its exit survey between October 2018 and June 2022.

### What were your reasons for leaving the City of Berkeley?



Note: We asked survey respondents to provide their five primary reasons for leaving the City out of the options above. This figure shows the percent of respondents who listed each reason as one of their primary reasons for leaving.

Source: 2022 exit survey

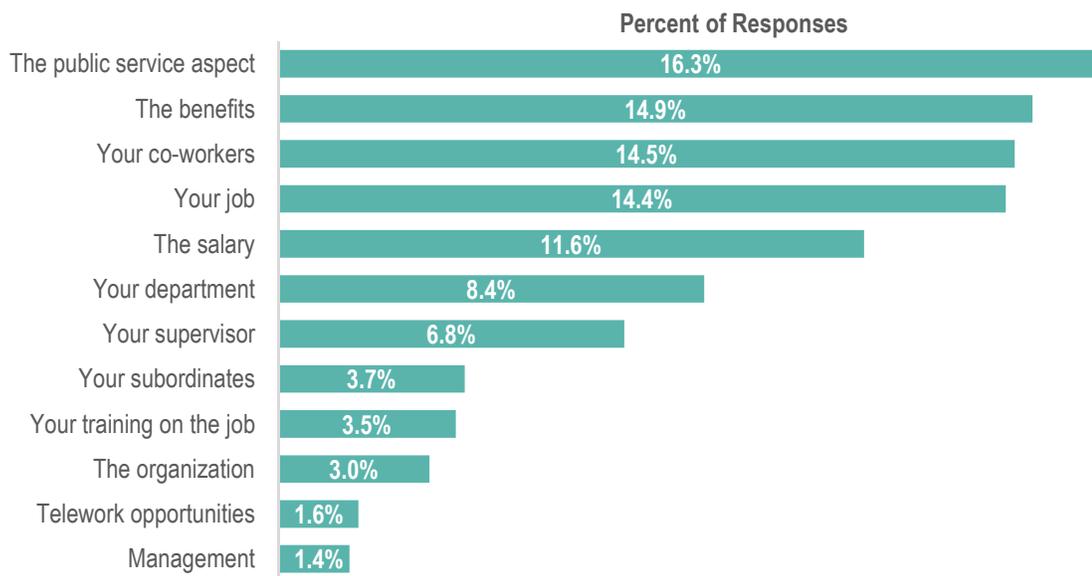
**How would you rate your experience working for the City?**



Note: Figure is an average of all responses. Respondents were asked to rate their experience from worst (1) to best (5).

Source: 2022 exit survey

**What did you like best about working for the City?**



Source: 2022 exit survey

**Did you receive an exit survey upon leaving the City?**

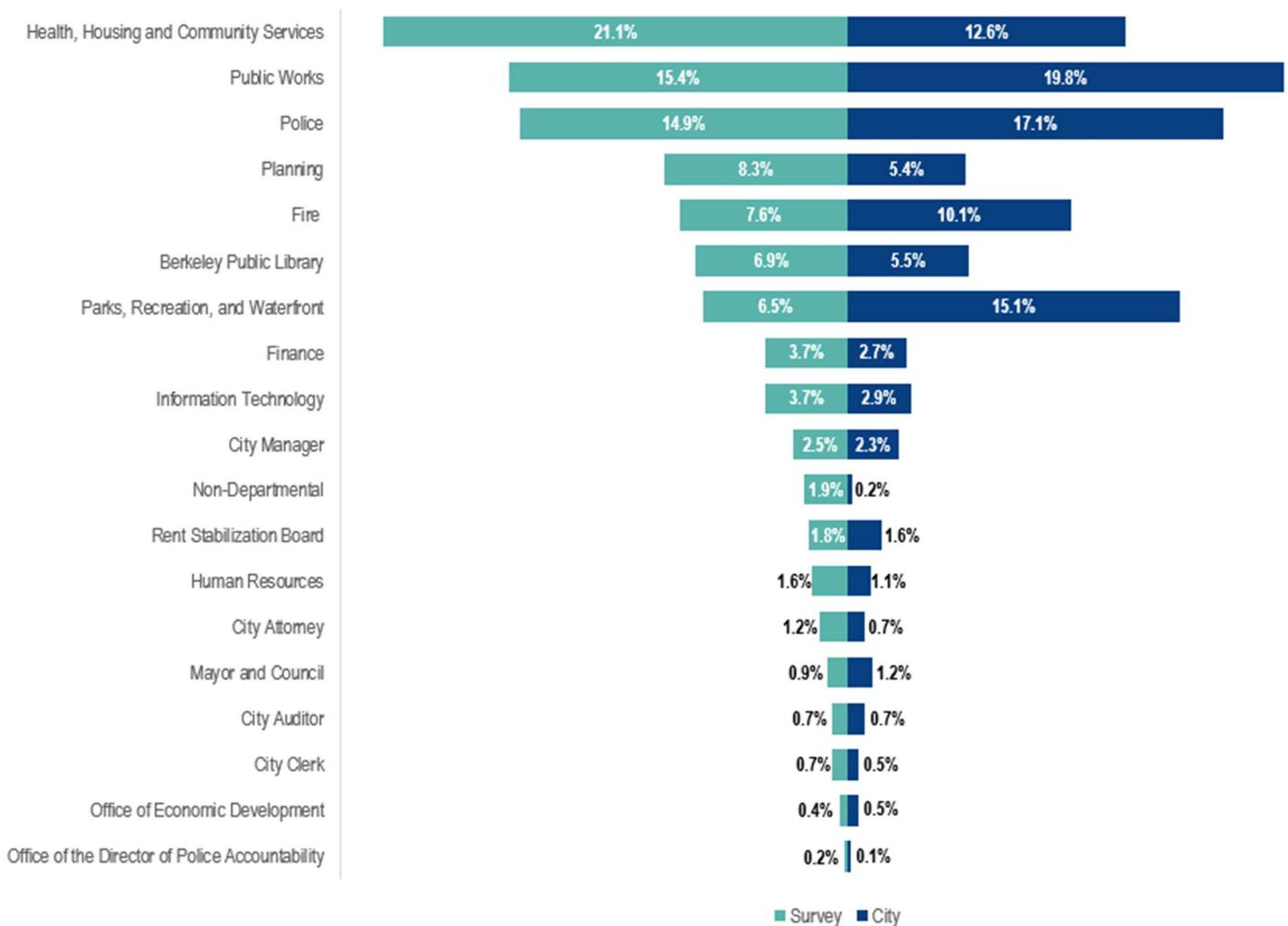


Source: 2022 exit survey

## Appendix III. Satisfaction Survey Respondents by Department

We asked City of Berkeley employees to respond to a job satisfaction survey. In order to determine how well the responses represented the opinions of employees in different departments, we compared survey response data to citywide data. Employees from every department responded to the survey.

**Figure 14. Full-Time Employees Who Responded to Satisfaction Survey by Department Compared to Citywide Data**



Note: This figure reflects satisfaction survey respondents who indicated they were a full-time employee; some respondents skipped this question and therefore may not be captured in this graphic. Citywide data captures all full-time employees as of September 9, 2022.

Source: 2022 satisfaction survey and ERMA

### **Mission Statement**

Promoting transparency and accountability in Berkeley government.

### **Audit Team**

Caitlin Palmer, Senior Auditor  
Erin Mullin, Senior Auditor  
Kendle Kuechle, Auditor I  
Pauline Miller, Auditor I

### **City Auditor**

Jenny Wong

### **Office of the City Auditor**

**Phone:** (510) 981-6750

**Email:** [auditor@cityofberkeley.info](mailto:auditor@cityofberkeley.info)

**Website:** <https://berkeleyca.gov/your-government/city-audits>

Copies of our audit reports are available at

<https://berkeleyca.gov/your-government/city-audits/city-auditor-reports>

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BERKELEY CITY AUDITOR



Office of the Mayor

CONSENT CALENDAR  
July 11, 2023

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: Berkeley Housing Authority Board of Commissioners Re-Appointments

RECOMMENDATION

Adopt a Resolution re-appointing Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani to the Berkeley Housing Authority Board of Commissioners.

BACKGROUND

On May 22, 2007, the Berkeley City Council established a Berkeley Housing Authority (BHA) Board of Commissioners. State law mandates BHA commissioners, including successors be appointed by the Mayor and confirmed by the City Council. State law also states that the length of a commissioner’s term shall be four years and can be reappointed.

Currently, there are three members of the BHA Board that have either terms that have expired or will be expiring soon. Specifically, they are:

**Alexandria Thomas-Rodriguez** – Expired January 2023

Ms. Thomas-Rodriguez serves as a tenant commissioner on the BHA board and was first appointed in January 2021 (Resolution No. 69,672-N.S.). Among other leadership qualities, Ms. Thomas Rodriguez brings her extensive experience as a community leader to assist BHA in improving tenant outreach and customer service. Ms. Thomas-Rodriguez is also a commissioner on the Berkeley Housing Advisory Commission.

**Max Levine** – Expired April 2023

Mr. Levine is the current vice-chair of the BHA board and was first appointed in April 2019 (Resolution No. 68,846-N.S.). Mr. Levine brings his valuable experience as a Section 8 landlord in Oakland to assist BHA in improving landlord outreach and customer service.

**Ali Kashani** – Expires in December 2023

Mr. Kashani was first appointed to the BHA board in December 2019 (Resolution No. 69,206, N.S.). Mr. Kashani brings significant expertise in affordable housing development to assist BHA in policy matters and in the development of the Housing Authority’s nonprofit arm, Affordable Housing Berkeley, Inc.

All three commissioners have expressed verbally their request to serve another term.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Not applicable.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution
2. Resolution 69,672-N.S.
3. Resolution 68,846-N.S.
4. Resolution 69,206-N.S.

RESOLUTION NO. ##,###-N.S.

RE-APPOINTMENT OF ALEXANDRIA THOMAS-RODRIGUEZ, MAX LEVINE AND ALI KASHANI TO THE BERKLEY HOUSING AUTHORITY BOARD OF COMMISSIONERS

WHEREAS, the Council of the City of Berkeley, as the governing body of the City of Berkeley, declared itself to the Commissioners of the Berkeley Housing Authority (BHA) and appointed two tenant Commissioners pursuant to Health and Safety Code Section 34290; and

WHEREAS, on May 22, 2007 the Mayor appointed and the City Council by a majority vote confirmed the appointment of 5 Commissioners and 2 tenant Commissioners to the BHA Board pursuant to Health and Safety Code Section 34270; and

WHEREAS, there are currently three commissioners – Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani, whose terms have either expired or will be expiring soon; and

WHEREAS, all three commissioners have expressed verbally their request to serve another term.

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Berkeley that Max Levine and Ali Kashani are re-appointed to serve as a Commissioner of the Berkeley Housing Authority Board; and

BE IT FURTHER RESOLVED by the Mayor of the City of Berkeley that Alexandria Thomas-Rodriguez is re-appointed to serve as a tenant Commissioner on the Berkeley Housing Authority Board; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that it supports the Mayor's determination regarding the qualifications of Alexandria Thomas-Rodriguez, Max Levine and Ali Kashani and hereby confirms the Mayor's reappointment; and

BE IT FURTHER RESOLVED that by the Mayor of the City of Berkeley that, pursuant to Health and Safety Code Section 34272(a), Max Levine and Ali Kashani are appointed to serve a four-year term; and

BE IT FURTHER AND FINALLY RESOLVED by the Mayor of the City of Berkeley that, pursuant to Health and Safety Code Section 34272(a), Alexandria-Rodriguez is appointed to serve as a tenant Commissioner for a two-year term.

RESOLUTION NO. 69,672-N.S.

APPOINTING ALEXANDRIA THOMAS-RODRIGUEZ AS A TENANT COMMISSIONER  
ON THE BERKELEY HOUSING AUTHORITY BOARD OF COMMISSIONERS

WHEREAS, the Council of the City of Berkeley, as the governing body of the City of Berkeley, declared itself to the Commissioners of the Berkeley Housing Authority (BHA) and appointed two tenant Commissioners pursuant to Health and Safety Code Section 34290; and

WHEREAS, on May 22, 2007 the Mayor appointed and the City Council by a majority vote confirmed the appointment of 5 Commissioners and 2 tenant Commissioners to the BHA Board pursuant to Health and Safety Code Section 34270; and

WHEREAS, there is currently one vacant tenant Commissioner seat that needs to be filled; and

WHEREAS, Alexandria Thomas-Rodriguez has been involved with the Berkeley Housing Authority for the past three years, serving on the Resident Advisory Board, where she works on reviewing, editing and brainstorming ideas with the Operations Manager and other Section 8 participants on the Administrative Plan; and

WHEREAS, Thomas-Rodriguez currently works as a Tenant Counselor and Hotline Administrator for Tenants Together where she is on the front lines of handling tenant issues, taking in and prioritizing calls amid the COVID-19 pandemic that has led to a surge in tenants seeking advice. She also recently joined Berkeley Mutual Aid as a Case Manager, providing resources to Berkeley citizens for mental health, housing, food and essential items; and

WHEREAS, As a Section 8 tenant and through her work experience, Thomas-Rodriguez has gained the knowledge and experience to handle the work of the BHA Board, bringing compassion and fairness for tenants and landlords.

NOW THEREFORE, BE IT RESOLVED by the Mayor of the City of Berkeley that Alexandria Thomas-Rodriguez is appointed to serve as a tenant Commissioner on the Berkeley Housing Authority Board; and

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that it supports the Mayor's determination regarding the qualifications of Alexandria Thomas-Rodriguez and hereby confirms the Mayor's appointment; and

BE IT FURTHER AND FINALLY RESOLVED by the Mayor of the City of Berkeley that, pursuant to Health and Safety Code Section 34272(a), Alexandria Thomas-Rodriguez is appointed to serve as a tenant Commissioner for a two-year term.

The foregoing Resolution was adopted by the Berkeley City Council on December 15, 2020 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

RESOLUTION NO. 68,846–N.S.

APPOINTMENT OF MAX LEVINE TO THE BERKELEY HOUSING AUTHORITY  
BOARD OF COMMISSIONERS

WHEREAS, the Council of the City of Berkeley, as the governing body of the City of Berkeley, declared itself to the Commissioners of the Berkeley Housing Authority (BHA) and appointed two tenant Commissioners pursuant to Health and Safety Code Section 34290; and

WHEREAS, on May 22, 2007 the Mayor appointed and the City Council by a majority vote confirmed the appointment of 5 Commissioners and 2 tenant Commissioners to the BHA Board pursuant to Health and Safety Code Section 34270; and

WHEREAS, on March 8, 2016, the Berkeley City Council confirmed the Mayor's nomination of Damion McNeil to a four-year term on the Berkeley Housing Authority (BHA) Board of Commissioners; and

WHEREAS, in late 2018, Mr. McNeil resigned from the BHA Board and there are currently three vacancies on the Board; and

WHEREAS, the Mayor has nominated Max Levine, a Berkeley resident, PTA leader, property owner in the East Bay, with a background in finance and private equity investment.

WHEREAS, the Mayor of the City of Berkeley is an office filled by election of the people of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Max Levine is appointed to serve as Commissioner of the Berkeley Housing Authority Board.

BE IT FURTHER RESOLVED by the Mayor of the City of Berkeley that, pursuant to Health and Safety Code Section 34272(a), Mr. Levine be appointed to serve a four-year term.

The foregoing Resolution was adopted by the Berkeley City Council on April 30, 2019 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

RESOLUTION NO. 69,206-N.S.

APPOINTMENT OF ALI KASHANI TO THE  
BERKELEY HOUSING AUTHORITY BOARD OF COMMISSIONERS

WHEREAS, the Council of the City of Berkeley, as the governing body of the City of Berkeley, declared itself to the Commissioners of the Berkeley Housing Authority (BHA) and appointed two tenant Commissioners pursuant to Health and Safety Code Section 34290; and

WHEREAS, on May 22, 2007 the Mayor appointed and the City Council by a majority vote confirmed the appointment of 5 Commissioners and 2 tenant Commissioners to the BHA Board pursuant to Health and Safety Code Section 34270; and

WHEREAS, there are currently two vacancies on the Board; and

WHEREAS, the Mayor has nominated Ali Kashani, a Berkeley resident, who has over 35 years of experience in real estate acquisition, zoning/planning, and financial analysis for affordable and market-rate housing in the Bay Area; and

WHEREAS, Kashani has served as the founding Executive Director of Affordable Housing Associates (now SAHA) from 1993-2004, and has held board positions at Resources for Community Development, Bay Area Community Services, East Bay Housing Organizations, and Livable Berkeley; and

WHEREAS, the Mayor of the City of Berkeley is an office filled by election of the people of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Ali Kashani is appointed to serve as Commissioner of the Berkeley Housing Authority Board.

BE IT FURTHER RESOLVED by the Mayor of the City of Berkeley that, pursuant to Health and Safety Code Section 34272(a), Mr. Kashani be appointed to serve a four-year term.

The foregoing Resolution was adopted by the Berkeley City Council on December 10, 2019 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

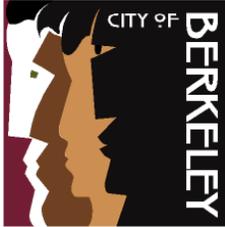
Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the Mayor

CONSENT CALENDAR  
July 11, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Support Rooftop Solar and Battery Storage for Multifamily Housing and Schools

RECOMMENDATION

Adopt a Resolution in support of viable Virtual Net Energy Metering (VNEM) and Net Energy Metering Aggregation (NEM-A) tariffs. Submit a copy of the Resolution to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC).

BACKGROUND

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility.

The current NEM program was adopted by the California Public Utilities Commission (CPUC) in Decision (D.)16-01-044 on January 28, 2016. The program provides customer-generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-NEM customer costs. NEM is designed to support the installation of customer-sited renewable energy generation.

In December 2022, the CPUC issued a final decision updating the current NEM structure.<sup>1</sup> The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program.

The following elements, which were opposed by the City Council, were approved, at the December 2022 meeting:

- Most residential NEM solar consumers who apply for a NEM interconnection after April 14, 2023, experience an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of \$.30/kilowatt-hours (kWh) to about \$.08/kWh.

<sup>1</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M500/K043/500043682.PDF>

- Churches, nonprofits, or businesses who go solar after April 14, 2023, realize an even greater reduction in the solar credit.<sup>2</sup>

Despite this vastly reduced credit value for energy exported to the electric grid compared to the previous NEM tariff, the CPUC decision still allows customers to buy less energy from the utilities when they use their generated or stored energy on-site in real time. The Commission is now considering changes to net energy metering rules for multi-meter properties, which would impact multi-family tenants and cooperative residents through the VNEM program as well as schools and farms through the NEM-A program.<sup>3</sup>

Recent proposals made by investor-owned utilities would deny multi-meter properties the ability to buy less power from the utilities when they consume power directly from on-site solar, which would force tenants, schools, and farms to buy all of their power from the utility even when it is generated on their own rooftop or field<sup>4</sup> – a patently absurd and unfair proposal as it would allow customers with only one electric meter to distinguish between on-site usage and exports while not allowing customers with multiple meters to do the same.

This and other proposals that seek to curtail rather than expand the ability for multifamily tenants and cooperative residents, schools, and farmers to benefit from bill savings through locally generated renewable energy violate the following principles expressed by the City Council in 2021<sup>5</sup> and 2022,<sup>6</sup> respectively:

- Protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity; and
- Expressing its support for the items as stated above, including urging the CPUC to:
  - (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
  - (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
  - (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and

<sup>2</sup> <https://solarrights.org/update-state-officials-release-new-rooftop-solar-proposal/>

<sup>3</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M502/K977/502977211.PDF>

<sup>4</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M502/K757/502757134.PDF>

<sup>5</sup> <https://berkeleyca.gov/sites/default/files/documents/2021-10-26%20Item%2027%20Support%20Net%20Energy%20Metering.pdf>

<sup>6</sup> <https://berkeleyca.gov/sites/default/files/2022-04/2022-01-18%20Item%2021%20OPPOSE%20Net%20Energy%20Metering.pdf>

- (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

On the contrary, should the CPUC adopt a successor VNEM tariff that is robust and incentivizes the growth of the VNEM program, the benefits to the tenants in multifamily buildings would be immense and immediate – not just through their realization of up to \$50 in savings on their monthly utility bills<sup>7</sup>, but in building climate resilience. A recent storm-induced power outage by Pacific Gas and Electric left much of Berkeley without power for nearly an entire day,<sup>8</sup> and having solar with backup batteries would go a long way to ensure reliability. Moreover, with solar installed on the rooftops of multifamily buildings, property owners could then upgrade their buildings to efficient and clean heating, water heating, and cooking infrastructure run by electric power rather than natural gas, the price of which tends to be volatile as it depends on various global events over which we have no control in Berkeley. Similarly, the adoption of a robust successor NEM-A tariff would ensure that budget-challenged school and community college districts across the state would be able to realize savings to their utility bills through the generation of rooftop solar on their own buildings.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

No direct identifiable environmental sustainability savings are associated with this item. However, the outcome of this rulemaking is likely to determine the extent to which rooftop-scale solar and storage in the City of Berkeley is deployed in multifamily housing and schools, which could positively or negatively impact a key strategy in the realization of Berkeley’s Climate Action and resiliency goals.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

- 1: Resolution

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<sup>7</sup> <https://calsomah.org/tenant-benefits>

<sup>8</sup> <https://www.berkeleyscanner.com/2023/03/22/disaster-preparedness/berkeley-storm-power-outage-downed-trees/>

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF NET ENERGY METERING FOR MULTI-FAMILY HOUSING AND SCHOOLS

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low- and moderate-income households; and

WHEREAS, in 2020 the California Public Utilities Commission (CPUC) launched a formal proceeding to update the current NEM structure as NEM 3.0, and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS in December 2022, the CPUC issued a final decision updating the current NEM structure; and

WHEREAS, the following elements, which were opposed by the City Council, were approved, at the December 2022 meeting:

- Most residential NEM solar consumers who apply for a NEM interconnection after April 14, 2023, experience an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of \$.30/kilowatt-hours (kWh) to about \$.08/kWh.
- Churches, nonprofits, or businesses who go solar after April 14, 2023, realize an even greater reduction in the solar credit; and

WHEREAS, despite this vastly reduced credit value for energy exported to the electric grid compared to the previous NEM tariff, the CPUC decision still allows customers to buy less energy from the utilities when they use their generated or stored energy on-site in real time; and

WHEREAS, the Commission is now considering changes to net energy metering rules for multi-meter properties, which would impact multi-family tenants and cooperative residents as well as schools and farms; and

WHEREAS, recent proposals made by investor-owned utilities would deny multi-meter properties the ability to buy less power from the utilities when they consume power directly from on-site solar, which would force tenants, schools, and farms to buy all of their power from the utility even when it is generated on their own rooftop or field – a patently absurd and unfair proposal as it would allow customers with only one electric meter to distinguish between on-site usage and exports while not allowing customers with multiple meters to do the same; and

WHEREAS, this and other proposals that seek to curtail rather than expand the ability for multifamily tenants and cooperative residents, schools, and farmers to benefit from bill savings through locally generated renewable energy violate the following principles expressed by the City Council in 2021 and 2022, respectively; and

WHEREAS, should the CPUC adopt a successor NEM tariff that is robust and incentivizes the growth of the rooftop solar and battery storage in multifamily housing and schools, the benefits would be immense and immediate – not just through the realization of up to \$50 in savings by tenants on their monthly utility bills<sup>9</sup> and commensurate savings to school districts, but in building climate resilience; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own city to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from dirty energy; and

WHEREAS, we are in a climate crisis and need to make the transition to clean energy more accessible, not less

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it urges the California Public Utilities Commission and Governor to reject any proposals that seek to frustrate or dismantle the ability of multifamily tenants and schools to avail themselves of the benefits of local, renewable, and affordable energy through rooftop solar and battery storage;

BE IT FURTHER RESOLVED that the Council of the City of Berkeley calls on the California Public Utilities Commission to instead approve a net energy metering tariff for multifamily housing and schools that includes full credits and savings for multifamily tenants and schools from customer-generated energy (full “property netting”) as well as a gradual transition toward lower export rates to ensure a reasonable glidepath for the customer solar market;

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<sup>9</sup> <https://calsomah.org/tenant-benefits>

[Title of Report]

CONSENT CALENDAR  
July 11, 2023

BE IT FURTHER RESOLVED that that copies of this Resolution shall be sent to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board.



Office of the Mayor

CONSENT CALENDAR  
July 11, 2023

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Relinquishment of Council Office Budget Funds for Chavez/Huerta Tribute Site

RECOMMENDATION

Adopt a Resolution approving the expenditure of up to \$5,000 from Mayor Arreguín, and any other Councilmembers, to the Kala Art Institute, the fiscal sponsor for the Chavez/Huerta Tribute Site, with funds relinquished from the City's General Fund for the purpose of hiring of grounds keepers and providing the resources needed for the maintenance of the Chavez/Huerta Tribute Site, from the discretionary Council Office Budgets of Mayor Arreguín and any other Councilmembers who would like to contribute.

BACKGROUND

The Chavez/Huerta Tribute Site<sup>1</sup>, located at Cesar Chavez Park along Spinnaker Way, is centered around a lush green space overlooking the Bay Area. Instead of a single statue or monument for the farmworker and labor organizer by which the park is named after, the site has intentionally developed a comprehensive urban solar/lunar calendar, along with a quartet of stones engraved with four virtues of the Farmworkers Movement: Determination, Courage, Hope, and Tolerance. The site draws from design concepts in art, astronomy, and architecture found at ancient and indigenous sky observatory sites from around the world. The site seeks to promote an understanding of the Rhythm of the Seasons, the work, life, and values of Cesar E. Chavez and Dolores Huerta, provide an outdoor classroom to study science, math, and culture, and create a space for reflection and peace along the Berkeley shoreline. The site also contains a virtual tour, which can be activated using your mobile device, and a physical, self-explanatory sign to assist visitors with utilizing the solar calendar and position of stones to understand its relationship to solstice and equinox.

A sum of \$5,000 is being sought by the caretakers of the Chavez/Huerta Tribute Site to go towards fees associated with employing gardeners, hauling soil, conducting stone replacement, composting goods, grounds maintenance, upgrading signage, and paying the Kala Art Institute a fiscal agent fee.

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<sup>1</sup> <https://chavezpark.org/cesar-chavez-memorial-solar-calendar/>

Internal

Relinquishment of Council Office Budget Funds for Chavez/Huerta Tribute Site      CONSENT CALENDAR  
July 11, 2023

We are proposing that City Councilmembers make individual grants of up to \$1,000 to the Kala Art Institute to help with the upkeep of the Chavez Huerta Tribute site, with work in the next fiscal year to begin in October 2023.

FINANCIAL IMPLICATIONS

No General Fund impact; up to \$5,000 available from Mayor Arreguín's Office Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Jesse Arreguín, 510-981-7100  
Anthony Rodriguez, Senior Legislative Assistant

Attachments:

1: Resolution for Council Expenditures

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR FUNDING TOWARDS THE MAINTENANCE OF THE CHAVEZ/HUERTA TRIBUTE SITE, A PUBLIC SERVICE FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Arreguín has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation, the Kala Art Institute, seeks funds in the amount of \$5,000 to provide maintenance and upkeep for the Chavez/Huerta Tribute Site located at the Cesar Chavez Park along Spinnaker Way; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of bringing communities across the City, including but not limited to Latine, immigrant, astronomy lovers, historians, youth, and civic communities, together to honor the virtues and contribution of Cesar Chavez, Dolores Huerta, and others involved in the Farmworkers Movement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget of up to \$5,000 per office shall be granted to the Kala Art Institute to fund the following services bringing communities across the City, including, but not limited to, Latine, immigrant, astronomy lovers, historians, youth, and civic communities, together to honor the virtues and contribution of Cesar Chavez, Dolores Huerta, and others involved in the Farmworkers Movement.





CONSENT CALENDAR  
July 11, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Berkeley Humane: Bark (& Meow) Around the Block: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Bark (& Meow) Around the Block adoption event hosted by Berkeley Humane, with funds relinquished to the City's general fund.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

BACKGROUND

The Berkeley-East Bay Humane Society's Bark (& Meow) Around the Block (August 26, 2023) will be one of the largest single-day adoption events hosted in Northern California. Berkeley Humane will be closing down several city streets to accommodate more than 20 shelters and rescues along with food trucks, live music, and other vendors. This event is sponsored by NBC Bay Area and several local businesses and organizations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a California non-profit tax exempt corporation Berkeley-East Bay Humane Society seeks funds to provide the following public services: Bark (& Meow) Around the Block adoption drive; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: reunion for BHS alumni and BHS scholarships;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$1000 shall be granted to Berkeley-East Bay Humane Society to fund the following services: Bark (& Meow) Around the Block adoption drive.



CONSENT CALENDAR  
July 11, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Berkeley High School All Class Reunion: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of council office budget funds, including \$500 from Councilmember Taplin, to support the Berkeley High School All Class Reunion Committee (BHS ACRC) by way of its fiscal sponsor, the Berkeley Public Schools Fund, with funds relinquished to the City’s general fund.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from contributing Councilmember’s Council Office Budget discretionary accounts.

BACKGROUND

The Berkeley High School All Class Reunion Committee (BHS ACRC) is planning the 6<sup>th</sup> Biennial All Class Picnic on Saturday August 26, 2023 at San Pablo Park, Berkeley, 10:00 AM to 6:00 PM. This “Fun Family Event” was designed to rekindle memories of Berkeley pride and reconnect friendships, neighbors, and family of all ages to enjoy a picnic in the park with good food, music, vendors, arts/crafts and kids zone and a health fair. The last four reunions reconnected over 2,000 people. Additionally, any excess of funds will help fund a BHS Scholarship.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Taplin      Council District 2      510-981-7120

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a California non-profit tax exempt corporation Berkeley Public Schools Fund seeks funds to provide the following public services: Berkeley High School All Class Reunion; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: reunion for BHS alumni and BHS scholarships;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$1000 per office shall be granted to Berkeley Public Schools Fund to fund the following services: Berkeley High School All Class Reunion.

**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

July 11th, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett, Councilmember Kate Harrison (Co-Sponsor)

Subject: Resolution for unionized employees of REI

RECOMMENDATION

Adopt a Resolution of Support for the unionized employees of Recreational Equipment, Inc. (REI) in Berkeley, California that instructs REI to live up to its values, by ceasing to withhold the 2022 “Summit Pay”, and bargain in good faith.

CURRENT SITUATION

Workers at REI Berkeley are one of eight unionized REIs across the country. (Out of 179 REI stores in total). REI company has chosen to fight its workers’ unionization efforts around the country, including in Berkeley.

UFCW5 has six open unfair labor practice complaints (“ULPs”) filed against the Berkeley REI. Since the workers voted to unionize, REI has unilaterally changed their COVID pay policy, revoked the annual bonus that workers receive (“Summit Pay”), and retaliated against pro-union workers.

The 2022 Summit Pay remains the most important issue to the workers. Meanwhile, REI and the union’s bargaining committee have not met since March. REI recently canceled the June bargaining dates and has not responded to any rescheduling requests.

The REI Berkeley workers continue to advocate for their 2022 Summit Pay and are gathering community support to amplify their voices.

BACKGROUND

On August 25<sup>th</sup>, 2022, employees at Recreational Equipment, Inc. (REI) in Berkeley voted to unionize with the United Food and Commercial Workers (UFCW) Local 5. They were the second REI location to unionize.

Summit Pay is REI’s annual bonus program for employees. It is determined by a formula that combines store performance with company-wide performance to determine a percentage multiplier that, once applied to an employee’s earnings for the preceding year, becomes a lump sum bonus distributed each March.

In 2022, REI was unprofitable. As a result, the original formula for Summit Pay calculated a \$0 payout. On August 30, REI announced a revised 2022 formula for Summit Pay to still provide its employees with some payout in March 2023. REI’s attorneys emailed the union on the same day alerting employees to the change in formula, to which the response was that there was no problem with the new formula’s application to Berkeley.

In February 2023, REI changed course and rescinded the 2022 Summit Pay for the Berkeley workers. The employees ran an internal petition, generating signatures from more than 70% of the staff and presented the document at bargaining in March.

When this was not enough, the workers created a member-facing petition to demonstrate support from the community. They gathered more than 1,500 signatures. A community event was hosted on May 27<sup>th</sup> with local faith, labor, and non-profit leaders to stand with the REI workers in demanding their 2022 Summit Pay.

March is the last time that REI and the union sat down to negotiate. REI has not responded to emails requesting new meeting dates, after canceling both May and June's in-person sessions.

In addition to withdrawing Summit Pay, REI has also engaged in retaliation against the Berkeley workers and other employees across the country. On January 30<sup>th</sup>, REI fired nine workers in Berkeley, many of whom were heavily involved in the organizing effort. Since then, workers have been fired in Durham, Raleigh, St. Louis, and Eugene as retaliation for workers' unionization efforts.

REI employees in their company. REI is an industry leader in sustainability, prides itself as an inclusive workplace with high starting wages. REI should listen to its employees, and bargain with them in good faith.

The REI workers of Berkeley ask the City Council for support by passing a resolution imploring REI to provide workers with their 2022 Summit Pay, cease making unilateral changes, and bargain with the union.

## CONSULTATION/OUTREACH OVERVIEW AND RESULTS

On the issue of 2022 Summit Pay, the Berkeley REI workers have::

- Filed and Unfair Labor Practice Complaint
- Gathered a worker petition in the store with more than 70% support
- Generated an REI member petition with more than 1,500 signatures
- Held a community support event on May 27<sup>th</sup>

## RATIONALE FOR RECOMMENDATION

The city of Berkeley believes in labor rights. REI is withholding 2022 Summit Pay from its two unionized stores and sidestepping its obligation to bargain with its employees. The Berkeley store was the second to open in the Coop and has been a part of this community since 1975. The Council can embody its values by helping hold REI accountable to its own.

## CONTACT PERSON

Vice Mayor Ben Bartlett  
James Chang

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)



Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
July 11, 2023

TO: Honorable Members of the City Council

FROM: Councilmember Harrison and Mayor Arreguín

SUBJECT: Relinquishment of Council Office Budget Funds and Co-Sponsorship of the César Chávez Dolores Huerta Tribute Site Curriculum Project

RECOMMENDATION

Adopt a resolution approving an expenditure of D13 funds and cosponsorship of the César Chávez/Dolores Huerta Tribute Site Curriculum Project, with \$250 relinquished to the City's general fund for this purpose each from Mayor Arreguín's and Councilmember Harrison's discretionary Council Office Budget Funds, and from any other Councilmembers who would like to contribute.

BACKGROUND

The current statewide curricula that covers the life and work of labor and environmental organizers, César Chávez and Dolores Huerta, does not adequately cover their rich legacies nor their direct impact on Berkeley. However, new lesson plans developed as part of the "César Chávez Dolores Huerta Tribute Site Curriculum Project" will include both in-class and experiential learning at the tribute site on the waterfront at Berkeley's César Chávez Park. The founders of the curriculum project, Santiago Casal and Beatriz Levya-Cutler, aim to "...honor the equitable relationship, work and words of César and Dolores and others in the farmworker struggle. The synergy of their partnership is what made them highly effective."

Casal and Levya-Cutler plan to apply for the Berkeley Public Schools Fund grant, LEARNING for Equity, which provides \$1,000 - \$15,000 grants to projects focused on addressing systemic oppression through strategic, justice-oriented programming. This funding would allow complete curriculum implementation across Berkeley schools by Spring 2024. The funds provided by Council discretionary budgets, will help provide supplemental compensation for teacher leaders who will utilize summer 2023 to develop prototypes and recruit grade-level teacher consultants. It is in the public interest to donate to this project which serves the fundamental municipal purpose of education.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact. \$250 is available from Mayor Arreguín and Councilmember Harrison's office accounts.

Relinquishment of Council Office Budget Funds and Co-Sponsorship of the Cesar Chavez Dolores Huerta Tribute Site Curriculum Project

**ENVIRONMENTAL SUSTAINABILITY**

Not applicable.

**CONTACT PERSON**

Councilmember Kate Harrison, (510) 981-7140

Mayor Jesse Arreguín, (510) 981-7100

**ATTACHMENTS**

1. Resolution Granting Office Funds for a Municipal Purpose

RESOLUTION NO. ##,###-N.S.

CITY SPONSORSHIP OF THE CESAR CHAVEZ DOLORES HUERTA  
TRIBUTE SITE CURRICULUM FOR BERKELEY STUDENTS

WHEREAS, César Chávez and Dolores Huerta were civil and human rights activists, labor leaders, and environmental justice organizers who dedicated their lives to the earth, to agriculture, and to the farmworkers; and

WHEREAS, the synergy of their partnership and combined legacy uplifts workers across the world; and

WHEREAS, the City of Berkeley re-named Berkeley's Waterfront Park as César Chávez Park in 1996 and the City of Berkeley supported the creation of a solar calendar at the Park as a tribute to these two social and environmental justice warriors; and

WHEREAS, Dolores Huerta is, to this day, a long-standing community advocate and promotes the educational importance of land stewardship; and

WHEREAS, the Chávez/Huerta curriculum will expose students in Berkeley's public schools to the importance of service to the community and to four virtues located in the four directions of the Chávez/Huerta Tribute Site: Hope (East), Determination (South), Courage (West), and Tolerance/Non-Violence (North); and

WHEREAS, the children and students of Berkeley now more than ever need and want to inherit a planet that is safe and sustainable.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by Mayor Arreguín and Councilmember Harrison from their Office budgets of up to \$250 each and from their office budgets of an amount to be determined by other Councilmembers, shall be granted to the Chávez/Huerta Tribute Site Curriculum Project to serve a municipal public purpose.





Kate Harrison  
Councilmember, District 4

CONSENT CALENDAR  
July 11, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean

RECOMMENDATION

Adopt a Resolution opposing Tokyo Electric Power Company (TEPCO) and the government of Japan's plan to discharge wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean and send copies of this resolution to Secretary Blinken, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee.

BACKGROUND

Fukushima radiation began reaching California's shores in 2015 after the 2011 nuclear disaster. On April 13, 2021, the government of Japan announced Tokyo Electric Power Company's (TEPCO) plan to start releasing additional wastewater from the Fukushima Plant as soon as Spring of 2023. With the planned discharge of wastewater from the Fukushima Daiichi Nuclear Power Plant, we are facing a dire situation which may affect the health of our planet and future generations. Not enough due diligence has been done to ascertain the safety of the discharge, and many experts have argued that TEPCO and the government of Japan are acting without proper understanding of the level of risk it may pose.

TEPCO and the government of Japan claim that the wastewater has been "treated" and, therefore, it poses neither environmental nor health risks. Contrary to their claim, many scientists, marine biologists, marine pollution experts have pointed out severe lack of due diligence, including with respect to the "Advanced Liquid Processing System" (ALPS), the filtration system used at the site. This system cannot remove all radioactive materials before the release.<sup>1</sup> Dr. Tim Deere-Jones, an independent marine pollution researcher, warns that people who live or work within 10 miles from the coastline could

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<sup>1</sup> "Fukushima Daiichi ALPS Treated Water Discharge - FAQs." 2022. Wwww.iaea.org. April 27, 2022. <https://www.iaea.org/topics/response/fukushima-daiichi-nuclear-accident/fukushima-daiichi-alps-treated-water-discharge/faq>.

be affected, because ocean water evaporates, which eventually can carry radioactive particles inland.<sup>2</sup>

In April 2021, three independent human rights experts appointed by the United Nations Human Rights Council expressed their concerns that the dumping of wastewater from the Fukushima Daiichi could impact millions of lives and livelihoods in the Pacific region, and such dumping imposes considerable risks to environmental and human rights across the globe.<sup>3</sup>

On March 6, 2023, the city of West Hollywood passed a resolution opposing TEPCO and the government of Japan's planned discharge of wastewater from the Fukushima Daiichi Nuclear Power Plant.

The City of Berkeley is globally recognized for its environmental leadership and values and has the opportunity to join in the City of West Hollywood's efforts and tens of thousands of concerned citizens worldwide in passing a similar resolution.

#### FISCAL IMPACTS OF RECOMMENDATION

Limited staff time associated with sending a letter to designated recipients.

#### ENVIRONMENTAL SUSTAINABILITY.

Releasing nuclear wastewater will harm marine ecosystems critical to the wellbeing and maintenance of environmental stasis and ocean life.

#### CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

#### ATTACHMENTS:

1. Resolution
2. Letters of Opposition

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<sup>2</sup> "Fukushima: Japanese Government and IAEA Ignore Radiation Risks to Coastal Population." n.d. Theecologist.org. Accessed June 16, 2023. <https://theecologist.org/2015/sep/28/fukushima-japanese-government-and-iaea-ignore-radiation-risks-coastal-population>.

<sup>3</sup> "Japan Must Step up Efforts to Solve Human Rights Fallout from Fukushima Disaster: UN Experts." n.d. OHCHR. Accessed June 16, 2023. <https://www.ohchr.org/en/press-releases/2021/03/japan-must-step-efforts-solve-human-rights-fallout-fukushima-disaster-un>.

RESOLUTION NO. ##,###-N.S.

RESOLUTION OPPOSING TOKYO ELECTRIC POWER COMPANY (TEPCO) AND THE GOVERNMENT OF JAPAN'S PLANNED DISCHARGE OF WASTEWATER FROM FUKUSHIMA DAIICHI NUCLEAR POWER PLANT INTO THE PACIFIC OCEAN

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, on April 13, 2021, Tokyo Electric Power Company (TEPCO) and the government of Japan announced its plan to release more than 1.28 million metric tons of wastewater from the damaged Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean, starting as early as spring 2023 and continuing for the next 30 years; and

WHEREAS, the wastewater from the Fukushima Daiichi Nuclear Power Plant is highly radioactive and is fundamentally different from the water from a nuclear power plant during a regular operation; and

WHEREAS, Fukushima radiation has been detected on West Coast shores of the United States and Canada since 2015, and whatever is released in the planned discharge will eventually reach the shores of the United States and Canada and other nations in the Pacific, affecting their marine and coastal environment; and

WHEREAS, radioactive substances contained in the wastewater such as tritium and strontium, when consumed, may have negative long-term health effects on a body; and

WHEREAS, Dr. Arjun Makhijani, along with four other scientists, has pointed out multiple deficiencies in TEPCO's plan, including inadequacies in sampling, inadequacies in assessing the effectiveness of ALPS, and inadequacies in ecosystem assessment; and

WHEREAS, Fukushima agricultural, forestry, fisheries, and consumer cooperatives strongly oppose the TEPCO plan of disposing the wastewater into the Pacific Ocean; and

WHEREAS, civil society groups, elected officials, and scholars in Japan, the United States, and other nations in the Pacific region have expressed concerns with TEPCO's plan and petitioned the Japanese government to reconsider its plan; and

WHEREAS, safer, more environmentally sound alternative solutions have been proposed by Japanese civil society groups, engineers, and researchers; and

WHEREAS, No Nukes Action, a Berkeley based group has networked worldwide to demand a better world free of nuclear power since May 2011, has embarked on a campaign for cities to oppose TEPCO and the government of Japan's planned discharge of wastewater from the Fukushima Daiichi Nuclear Power Plant on behalf of citizens who wish to leave a clean planet to future generations; and

WHEREAS, the City of Berkeley is situated directly on the San Francisco Bay which is connected to the Pacific Ocean, therefore, its residents and businesses are at risk of being

adversely affected by the planned release.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Berkeley opposes the plan of the Tokyo Electric Power Company (TEPCO) and the government of Japan to discharge wastewater from the damaged Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean.

BE IT FURTHER RESOLVED that the Council urges U.S. Secretary of State Antony Blinken and Berkeley's Congressional delegation to call on TEPCO and the government of Japan to reconsider the plan and adopt a more environmentally sound alternative solution which does not cause unnecessary harm to the marine and human life in the Pacific Region.

BE IT FURTHER AND FINALLY RESOLVED that the Berkeley City Clerk forward a copy of this resolution and accompanying letters to Secretary Anthony Blinken, Senator Dianne Feinstein, Senator Alex Padilla, and Representative Barbara Lee.

Secretary Antony Blinken  
2201 C St. NW  
Washington, DC 20451

**RE: Berkeley City Council Opposes Tokyo Electric Power Company (TEPCO) and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

Dear Secretary Blinken,

We write to express our opposition to the government of Japan and Tokyo Electric Power Company's (TEPCO) plan to start releasing additional wastewater from the Fukushima Daiichi Nuclear Power Plant.

There has not yet been adequate research into the effect the wastewater will have on humans, animals, and the environment, but scientists and human rights activists are very concerned by the level of risk the contaminated water may pose. While the government of Japan and TEPCO have ensured the water is safe to release, marine pollution experts have verified that not all radioactive materials can be removed.

For these reasons, the Berkeley City Council strongly opposes the release of wastewater from the Fukushima Daiichi Nuclear Power Plant.

Sincerely,  
The Berkeley City Council

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

**RE: Berkeley City Council Opposes Tokyo Electric Power Company (TEPCO) and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

Dear Senator Feinstein,

We write to express our opposition to the government of Japan and Tokyo Electric Power Company's (TEPCO) plan to start releasing additional wastewater from the Fukushima Daiichi Nuclear Power Plant.

There has not yet been adequate research into the effect the wastewater will have on humans, animals, and the environment, but scientists and human rights activists are very concerned by the level of risk the contaminated water may pose. While the government of Japan and TEPCO have ensured the water is safe to release, marine pollution experts have verified that not all radioactive materials can be removed.

For these reasons, the Berkeley City Council strongly opposes the release of wastewater from the Fukushima Daiichi Nuclear Power Plant.

Sincerely,  
The Berkeley City Council

Senator Alex Padilla  
501 I Street  
Suite 7-800  
Sacramento, CA 95814

**RE: Berkeley City Council Opposes Tokyo Electric Power Company (TEPCO) and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

Dear Senator Padilla,

We write to express our opposition to the government of Japan and Tokyo Electric Power Company's (TEPCO) plan to start releasing additional wastewater from the Fukushima Daiichi Nuclear Power Plant.

There has not yet been adequate research into the effect the wastewater will have on humans, animals, and the environment, but scientists and human rights activists are very concerned by the level of risk the contaminated water may pose. While the government of Japan and TEPCO have ensured the water is safe to release, marine pollution experts have verified that not all radioactive materials can be removed.

For these reasons, the Berkeley City Council strongly opposes the release of wastewater from the Fukushima Daiichi Nuclear Power Plant.

Sincerely,  
The Berkeley City Council

The Honorable Barbara Lee  
2470 Rayburn House Office Building  
Washington, DC, 20515-0512

**RE: Berkeley City Council Opposes Tokyo Electric Power Company (TEPCO) and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

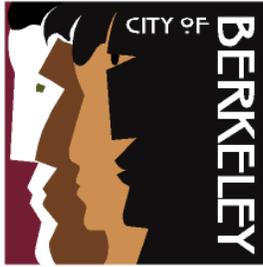
Dear Representative Lee,

We write to express our opposition to the government of Japan and Tokyo Electric Power Company's (TEPCO) plan to start releasing additional wastewater from the Fukushima Daiichi Nuclear Power Plant.

There has not yet been adequate research into the effect the wastewater will have on humans, animals, and the environment, but scientists and human rights activists are very concerned by the level of risk the contaminated water may pose. While the government of Japan and TEPCO have ensured the water is safe to release, marine pollution experts have verified that not all radioactive materials can be removed.

For these reasons, the Berkeley City Council strongly opposes the release of wastewater from the Fukushima Daiichi Nuclear Power Plant.

Sincerely,  
The Berkeley City Council



Berkeley City Council  
Health, Life Enrichment, Equity & Community Committee

**To:** Honorable Mayor and Members of the City Council

**From:** Health, Life Enrichment, Equity & Community Committee

**Subject:** De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use

RECOMMENDATION

Approve the Resolution presented and passed with a qualified positive recommendation at the June 12, 2023 meeting of the Health, Life Enrichment, Equity & Community Committee (Attachment 1), in lieu of the Resolutions provided in the originally referred item and by the Community Health Commission.

POLICY COMMITTEE RECOMMENDATION

On June 12, 2023, the Health, Life Enrichment, Equity, & Community Committee adopted the following action: M/S/C (Humbert/Taplin) to send the item to Council with a qualified positive recommendation to approve the Resolution in the form and as amended by the committee. There is no “mark-up” of the CHC resolution because what the Committee decided to pass is a full rewrite. Vote: All Ayes.

CURRENT SITUATION

The Health, Life Enrichment, Equity & Community Committee (the “Health-Life Committee”) took public comment at its May 8, 2023 meeting and solicited feedback from community leaders, policy experts, and community stakeholders. In her role as Committee Chair, Councilmember Hahn synthesized input received at Committee and consulted with the Police Department, City staff, and subject matter experts to draft and propose a restated Resolution.

At their June 12, 2023 meeting, the Health-Life Committee considered the restated resolution, took testimony from subject matter experts, and accepted edits from Councilmembers. Minor amendments were made to the restated Resolution, and the

Committee voted unanimously to recommend the restated resolution to Council. (Attachment 1).

BACKGROUND

On September 10, 2019, the City Council passed an item Authored by Councilmembers Robinson and Davila titled *Decriminalizing Entheogenic Plants* (Attachment 2) with instructions to:

“Refer to the Community Health Commission to consider the possibility of deprioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible ‘special circumstances considerations.’”

The Community Health Commission reviewed the referral, accepted public comment and engaged in their process of policy review. On November 29, 2022 the Community Health Commission passed an updated item titled *Responsible Psychedelic Drug Policy Reform in Berkeley* (Attachment 3).

The Commission’s Referral Response was submitted by the City Manager and referred by the Agenda Committee at their April 10, 2023 for review by the Health-Life Committee. The Health-Life Committee took action to send a qualified positive recommendation to the City Council to approve the fully restated Resolution unanimously approved by the Committee.

FINANCIAL IMPLICATIONS

Minimal. No significant impact.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No significant impact.

CONTACT PERSON

Councilmember Sophie Hahn, Chair of the Health-Life Committee 510-981-7150

ATTACHMENTS

1. Resolution passed by the Health, Life Enrichment, Equity & Community Committee
2. Decriminalizing Entheogenic Plants: 9/10/2019 City Council Referral from Councilmembers Robinson and Davila
3. Community Health Commission Referral Response from 11/29/22

RESOLUTION NO. ##,###-N.S.

RESOLUTION DE-PRIORITIZING THE ENFORCEMENT OF LAWS IMPOSING CRIMINAL PENALTIES FOR ENTHEOGENIC/PSYCHEDELIC PLANTS AND FUNGI AND THEIR BIOSYNTHESIZED COMPOUNDS FOR PERSONAL USE

WHEREAS, entheogens, also known as “psychedelic drugs” or “psychedelics,” are a subset of compounds that are considered to exert psychoactive and physiological effects and are reported to induce extra-ordinary, altered states of consciousness involving changes in thought, feeling, and perception; and

WHEREAS, individuals and groups are known to use entheogens in a wide variety of ways including for recreational, medical, therapeutic, spiritual, and religious purposes; and

WHEREAS, entheogenic plants and fungi have a long history of use in some indigenous societies, with this use typically occurring within intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, integration practices, and occur within cultural contexts that differ significantly from contemporary American society; and

WHEREAS, in recent years, there has been a resurgence of scientific research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as depression and substance abuse, with some studies showing promising preliminary evidence<sup>15</sup> for therapeutic benefits, in controlled clinical settings; and

WHEREAS, while psychedelic therapies have not been approved by the FDA, the federal government, through the Substance Abuse and Mental Health Services Administration, has stated that it is “exploring the prospect of establishing a Federal Task Force to monitor and address the numerous complex issues associated with emerging substances;” and

WHEREAS, there is a long history of public health authorities implementing harm reduction efforts to mitigate risks associated with use of both legal and illegal drugs, to improve the physical, mental, and social well-being of drug users, and in recent years public health authorities have increasingly focused on harm reduction approaches to drug use, with, for example, the Centers for Disease Control launching a harm reduction campaign to address the fentanyl crisis, and the City of Berkeley Public Health Division maintaining a longstanding partnership with Needle Exchange Emergency Distribution (NEED); and

WHEREAS, given this public health precedent, it would be appropriate for the City of Berkeley Public Health Division to support a harm reduction effort for entheogenic/psychedelic drug use in the Berkeley community; and

WHEREAS, while the possession, production, and transfer of psychedelic substances are illegal at the federal level in the United States, arrests and prosecutions for engaging in psychedelic drug offenses are usually grounded in state law, with enforcement occurring at the local level; and

WHEREAS, several local jurisdictions have de-prioritized the enforcement of laws prohibiting psychedelic-drug-related activities such as possession and production of psychedelic drugs for personal use; and

WHEREAS, there are criminal justice concerns associated with investigating, arresting, and incarcerating people for personal use of entheogens/psychedelics, and it is important to balance criminal justice concerns with public health concerns when crafting just and responsible policy; and

WHEREAS, in order to balance these concerns and avoid the development of gray and illicit markets, the City of Berkeley should only de-prioritize the enforcement of laws imposing criminal penalties for the possession of plant or fungus biosynthesized psychedelics for personal use (except Peyote) and laws imposing criminal penalties for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use (except Peyote), while maintaining enforcement of laws prohibiting the possession of psychedelic drugs produced through artificial synthesis and enforcement of laws prohibiting the transfer of all categories of psychedelic drugs; and

WHEREAS “plant or fungus-biosynthesized psychedelic drugs” for purposes of this resolution means drugs that were produced by plants or fungi through biosynthesis, rather than produced in a laboratory through artificial synthesis, and “psychedelic-containing plants and fungi” refers to plants and fungi, living or not, that contain psychedelic drugs that the plants or fungi have themselves produced through biosynthesis; and

WHEREAS, “personal use of plant or fungus biosynthesized psychedelic drugs” for purposes of this resolution means an individual self-ingesting or self-administering plant or fungus biosynthesized psychedelic drugs; and

WHEREAS, “possession of plant or fungus biosynthesized psychedelic drugs for personal use” for purposes of this resolution means an individual possessing plant or fungus biosynthesized psychedelic drugs for the purpose of being ingested or self-administered by that same individual, and not by any other person or people; and

WHEREAS, “cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use” for purposes of this resolution means an individual cultivating, processing, and preparing any of these plants and fungi for the purpose of the resulting material being self-ingested or self-administered by that same individual, and not by any other person or people; and

WHEREAS, an individual can produce their own personal use plant or fungus-biosynthesized entheogenic/psychedelic drugs through home cultivation without engaging with illicit markets or sources; and

WHEREAS, the City Council wishes to enable Berkeley Public Health Division staff to engage with reputable experts developing harm reduction strategies that can be disseminated within Berkeley; and

WHEREAS, the City of Berkeley should de-emphasize expending City resources to assist in the enforcement of laws imposing criminal penalties for the possession of plant or fungus biosynthesized psychedelic drugs for personal use, and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it shall be the policy of the City of Berkeley to de-emphasize the use of City funds and resources to assist in the enforcement of laws imposing criminal penalties for the possession of plant- or fungus-

biosynthesized psychedelic drugs for personal use and for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use. This de-prioritization policy does not apply to the mescaline-containing cactus Peyote (*Lophophora williamsii*), or to mescaline that was biosynthesized by the Peyote cactus, due to sustainability and poaching concerns raised by the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative, who have released a statement requesting that decriminalization policies not include this species.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: giving away, sharing, distributing, transferring, dispensing, or administering of plant or fungus biosynthesized or other psychedelic drugs to another individual.

BE IT FURTHER RESOLVED that the City of Berkeley declares its support for a transparent, comprehensive public conversation about the potential to open access to psychedelic drugs in ways that might be safe, beneficial, ethical, and equitable, and urges the California State Legislature to take part in this conversation and consider passing legislation that addresses the relevant issues.

BE IT FURTHER RESOLVED that the City Council hereby enables the Public Health Division to make themselves available to academic and other reputable institutions to discuss opportunities for resources addressing use of psychedelics to be made available to the Berkeley community.

BE IT FURTHER RESOLVED that any organization or individual who may collaborate with the City to provide resources addressing use of psychedelics shall not, through their work with the City, facilitate access to psychedelic drugs or psychedelic administration sessions.

BE IT FURTHER RESOLVED that the City Council hereby enables the Public Health Division to make themselves available to academic and other reputable institutions to potentially assist in a strategy for collecting and analyzing public health data on psychedelic use in Berkeley.

BE IT FURTHER RESOLVED that the City of Berkeley encourages other public health departments and authorities, including at state and federal levels, to explore implementing psychedelic harm reduction and public health data collection efforts.

BE IT FURTHER RESOLVED that this resolution does not rely upon nor accept as fact assertions made in materials submitted with the original item or in the Community Health Commission Referral Response.



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

CONSENT CALENDAR  
September 10, 2019

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Rigel Robinson and Cheryl Davila  
Subject: Decriminalizing Entheogenic Plants

RECOMMENDATION

Refer to the Community Health Commission for feedback regarding the aAdoption of a Resolution decriminalizing Entheogenic Plants and Fungi such as mushrooms, cacti, iboga containing plants, and/or extracted combinations of plants similar to Ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines, by restricting any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults age 21 and over.

POLICY COMMITTEE RECOMMENDATION

On July 17, 2019, the Public Safety Committee adopted the following action: M/S/C (Robinson/Wengraf) to send the item to the full Council with a Qualified Positive Recommendation that the author revise the report to refer the item to the Community Health Commission for further discussion. Vote: All Ayes.

BACKGROUND

Currently, Psilocybe mushrooms, peyote, and other hallucinogens are classified as schedule 1 drugs in the United States. This categorization indicates that there is “no currently accepted medical use [for them] and a high potential for abuse.” However, the federal drug schedule does not align with current medical research or scientific consensus; this is evident when considering that marijuana, which has been used for years by over 900,000 Californians in the legitimate treatment of mental and physical health conditions, is still a schedule 1 substance. In recent years numerous studies have provided promising evidence for the usefulness of Entheogenic Plants in treating addiction, depression, recidivism, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety, end-of-life anxiety, grief, diabetes, cluster headaches, and other conditions. This research comes at a crucial time when addiction and mental health issues such as veteran suicides are becoming an increasingly pressing problem (Cox, Billy). Many of these therapies are even able to improve psychological health in patients whose conditions are extremely treatment-resistant, making them a vital innovation for numerous struggling citizens.

Restrictions on natural psychedelics are not internationally consistent. The official position of the United Nations is that “No plants are currently controlled under the

Conventions. Preparations made from plants containing those active ingredients are also not under international control... Examples of such plants or plant material include ayahuasca, a preparation made from plants indigenous to the Amazon basin of South America, mainly a jungle vine (*Banisteriopsis caapi*) and another tryptamine-rich plant (*Psychotria viridis*) containing a number of psychoactive alkaloids, including DMT; the peyote cactus (*Lophophora williamsii*), containing mescaline; *Psilocybe* mushrooms, which contain psilocybin and psilocin; and iboga (*Tabernanthe iboga*), a plant that contains ibogaine and is native to the western part of Central Africa.” Additionally, different Entheogenic plants are decriminalized or legalized in various countries, such as Brazil, Jamaica, Portugal, Gabon, New Zealand, South Africa, Mexico, Costa Rica, and the Netherlands. In particular, Portugal’s decriminalization of all drugs in 2001 decreased addiction and drug-related deaths without leading to a significant increase in drug usage, and can be used as an informative model for how to effectively treat drug issues in society (Felix, Sonia et. al).

In the U.S., Denver voters recently passed Initiative 301 decriminalizing *Psilocybin*-containing mushrooms, and Oakland recently passed a resolution similar to this proposal decriminalizing involvement with and usage of Entheogenic Plants. In New Mexico, the cultivation of mushrooms is not prohibited by law as a result of the 2005 court case *State v. Pratt*. Certain groups also have explicit permission to use Entheogenic Plants for ceremonial and sacramental use under the Religious Freedom Restoration Act of 1993 and various court decisions, including *O Centro Espírita Beneficente União do Vegetal* (ayahuasca), the Church of the Holy Light of the Queen (ayahuasca), and the Native American Church (peyote).

In October of 2018, the FDA granted breakthrough therapy designation to psilocybin, acknowledging that it shows promise for treating resistant conditions such as depression and allowing more involved study. Internationally, investment is growing quickly in research companies focusing on psychedelic therapies for mental health such as that being done by Compass, which supports scientific and academic research into such therapies (Farr, Christina). This signals a paradigm shift in the way the global community regards the medical viability of psychedelics, as well as a promising future for further federal and international deregulation. Domestically Similarly, New York, Vermont, and Iowa have all proposed bills in the past four years allowing further research on Ibogaine as an addiction treatment, demonstrating that American attitudes towards psychedelics as therapeutic medicines are evolving nationwide as well.

Though currently illegal in the U.S., Entheogenic Plants are increasingly showing promise in clinical research for treating myriad serious conditions. Recent research on *Psilocybin* for depression shows that it significantly reduces symptoms, and has promise for treating alcohol and drug addiction as well as general and end of life anxiety. Mushrooms have also historically been used to facilitate beneficial personal and spiritual growth: a John Hopkins study on neurotypical participants revealed that over 75% of the respondents considered their psilocybin experience to be among the top five most meaningful experiences of their lives. Mushrooms are also fairly low risk, with no noted addictive properties and direct overdose practically impossible, and a

2000 study by the Center for Assessment and Monitoring of New Drugs concluded that the risk to public order, individual health, and public health was low.

Other Entheogens are also showing promise for the treatment of various health issues. Ibogaine, the active ingredient in Iboga, is already used with medical supervision in countries like Mexico as an opioid addiction treatment, and a 2016 study (Brown, Thomas Kingsley and Alper, Kenneth) found that withdrawal symptoms and opioid use were significantly lessened in addicts that underwent ibogaine therapy. Ayahuasca can have profound impacts on mental outlook and hopefulness, and a 2013 study (Thomas, Gerald et. al) showed that usage significantly reduced tobacco, alcohol, and cocaine dependence as well. Peyote has been used without harm in Native American religious ceremonies for decades, and research (Halpern, John H. et. al) has shown that such usage did not result in neurophysiological impairment. Anecdotally, peyote use is associated with reduced rates of alcoholism in Native American populations, providing a promising avenue for further research into the use of peyote in treating alcohol abuse. Other promising directions for Entheogenic Plants as medicinal aids include the treatment and amelioration of cluster headaches, recidivism and intimate partner violence, diabetes, grief, and PTSD.

Unfortunately, laboratory produced compounds based on Entheogens are not yet a viable treatment for those suffering from physical and mental conditions. Furthermore, if and when they do become available they are likely to be prohibitively expensive--synthetic psilocybin can range from \$7,000-10,000 per gram--raising concerns about access and equity for low income and uninsured populations. Decriminalizing the use, possession, cultivation, distribution, and transportation of Entheogens allows individuals rather than the pharmaceutical establishment to control their interaction with these powerful psychedelics, empowering and bonding communities as a result.

In this process, the organization Decriminalize Nature ([decriminalizenature.org](http://decriminalizenature.org)) has worked with Oakland, and now Berkeley, to further the movement to decriminalize natural Entheogens. Their mission is to enable every person to decide on their own how to engage with traditional Entheogenic Plants, and help restore the connection between nature, individuals, and communities in the process. It is intended that this resolution empowers Berkeley residents to be able to grow their own entheogens, share them with their community, and choose the appropriate setting for their intentions instead of having to rely exclusively on the medical establishment, which is slow to adapt and difficult to navigate for many. As this national conversation on entheogens grows, it is essential to influence the debate and take a stand now for disenfranchised communities who may be left out of the dominant model by opening a way for individual and community access.

#### FINANCIAL IMPLICATIONS

Adoption of the resolution may slightly reduce ongoing City expenditures associated with the enforcement of criminal penalties relating to Entheogenic Plant usage by adults. Some staff time to implement the resolution.

#### ENVIRONMENTAL SUSTAINABILITY

Small to none, although allowing personal cultivation of peyote specifically could help to counteract its current classification as a vulnerable endangered plant, contributing to long-term ecological sustainability.

CONTACT PERSON

Councilmember Robinson, Council District 7, 510-981-7170

Courtney Baldwin, Intern for District 7, [cbaldwin@cityofberkeley.info](mailto:cbaldwin@cityofberkeley.info)

Attachments:

1: Resolution

2: References

RESOLUTION NO. ##,###-N.S.

RESOLUTION SUPPORTING ENTHEOGENIC PLANT PRACTICES AND  
DECLARING THAT THE INVESTIGATION AND ARREST OF INDIVIDUALS  
INVOLVED WITH THE ADULT USE OF ENTHEOGENIC PLANTS ON THE FEDERAL  
SCHEDULE 1 LIST BE AMONGST THE LOWEST PRIORITY FOR THE CITY OF  
BERKELEY

WHEREAS, Entheogenic Plants, based on the term "entheogen", were originally conceived by Ott, Ruck, and other colleagues from a working group of anthropologists and ethnobotanists in 1979; ~~and defined herein as to include~~ the full spectrum of plants, fungi, and natural materials ~~deserving reverence and respect from the perspective of the individual and the collective~~, that can inspire personal and spiritual well-being<sup>1</sup>, can benefit psychological<sup>2</sup> and physical<sup>3</sup> wellness, and can reestablish human's inalienable and direct relationship to nature; and

WHEREAS, substance abuse<sup>4</sup>, addiction, recidivism<sup>5</sup>, trauma, post-traumatic stress symptoms, chronic depression, severe anxiety<sup>6</sup>, end-of-life anxiety, grief<sup>7</sup>, diabetes<sup>8</sup>, cluster headaches<sup>9</sup>, and other conditions are plaguing our community and that the use of Entheogenic Plants has been shown to be potentially beneficial to the health and well-being of individuals and communities in addressing these afflictions via scientific and clinical studies and within continuing traditional practices, which can catalyze profound experiences of personal and spiritual growth; and

WHEREAS, practices with Entheogenic Plants have long existed and have been considered to be sacred to human cultures and human interrelationships with nature for thousands of years<sup>10</sup>, and continue to be enhanced and improved to this day by religious and spiritual leaders, practicing professionals, mentors, and healers throughout the world, many of whom have been forced underground; and

WHEREAS, those seeking to improve their health and well-being through the use of Entheogenic Plants use them in fear of arrest and prosecution; and

WHEREAS, the Entheogenic Plant practices of certain groups are already explicitly protected in the U.S. under the doctrine of religious freedom -- the Native American

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<sup>1</sup> See Entheogens for Personal and Spiritual Growth

<sup>2</sup> See Entheogens and Psychological Wellness

<sup>3</sup> See Entheogens and Physical Wellness

<sup>4</sup> See Entheogens and Substance Abuse

<sup>5</sup> See Entheogens and Recidivism

<sup>6</sup> See Entheogens and Anxiety

<sup>7</sup> See Entheogens and Grief

<sup>8</sup> See Ayahwasca and Diabetes

<sup>9</sup> See Entheogens and Cluster Headaches

<sup>10</sup> See Historical Use of Entheogens

Church's use of peyote and the use of ayahuasca by two other churches, a Santo Daime congregation and the Uniao do Vegetal; and

WHEREAS, The United Nations considers Entheogenic Plant material used for ritual purposes as excluded from Schedule 1 substances; and

WHEREAS, Entheogenic plants containing ibogaine, for example, have been shown to alleviate treatment resistant cases of opiate and methamphetamine addiction even when other treatments have been ineffective<sup>11</sup>. In addition, ibogaine is reported to be beneficial for addiction therapy related to specific work-related PTSD encountered by first responders such as EMT, police, and firefighters, as well as military veterans; and

WHEREAS, Entheogenic Plants or combinations of plants such as ayahuasca that contain forms of DMT, a naturally occurring compound in the human body that is listed as a Schedule 1 substance, can lead to experiences that are reported as mystical or experientially similar to near death experiences,<sup>12</sup> and that can be demonstrably beneficial in treating addiction<sup>13</sup>, depression<sup>14</sup>, and PTSD<sup>15</sup>, and ~~in that some have found to catalyzing-catalyze~~ profound experiences of personal<sup>16</sup> and spiritual<sup>17</sup> growth; and

WHEREAS, Entheogenic cacti that contain phenethylamine compounds such as mescaline can be beneficial in healing drug and alcohol addiction<sup>18</sup> and for individual spiritual growth<sup>19</sup>, and have been utilized in sacred initiation and community healing by diverse religious and cultural traditions for millennia and continuing use as religious sacraments in modern times; and

WHEREAS, psilocybin, naturally occurring in Entheogenic mushrooms, can alleviate end-of-life anxiety for hospice and terminal cancer patients<sup>20</sup>, can reduce prison recidivism<sup>21</sup>, and can effectively treat substance abuse, depression<sup>22</sup>, cluster headaches<sup>23</sup>; and

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<sup>11</sup> See [Iboga/Ibogaine for Addiction Therapy](#)

<sup>12</sup> See [Ayahuasca Experience Similar to Near-Death Experience](#)

<sup>13</sup> See [Ayahuasca for Addiction Therapy](#)

<sup>14</sup> See [Ayahuasca and Depression](#)

<sup>15</sup> See [Ayahuasca and PTSD](#)

<sup>16</sup> See [Ayahuasca and Personal Growth](#)

<sup>17</sup> See [Ayahuasca and Spiritual Growth](#)

<sup>18</sup> See [Peyote for treatment of alcohol and drug dependence](#)

<sup>19</sup> See [Peyote](#)

<sup>20</sup> See [Psilocybin for End-of-Life Anxiety](#)

<sup>21</sup> See [Entheogens and Reduced Recidivism](#)

<sup>22</sup> See [Psilocybin and Treatment-Resistant Depression](#)

<sup>23</sup> See [Psilocybin and Cluster Headaches](#)

~~WHEREAS, a Johns Hopkins University study on "healthy normals" found that psilocybin can occasion mystical-type experiences, which were considered one of the top five most meaningful experiences in a subject's life for over 75% of their subjects within the first year after the study, and found continuing positive life-style changes after a 14-month follow-up; and~~

~~WHEREAS, the following principles, when adhered to, help to ensure safe and responsible use of entheogenic plants:~~

- ~~1. **Entheogens are not for everyone.** Knowledgeable clinicians caution that some people should not take entheogenic plants or fungi, including people with a personal or family history of schizophrenia or bipolar disorder or who are taking certain medications or using other recreational drugs. See <https://adf.org.au/drug-facts/psychedelics/> for more information.~~
- ~~2. **Always conduct thorough research before using entheogens or other drugs.** Side effects, interactions, and long term consequences are possible with any drug, including but not limited to permanent brain and personality changes.~~
- ~~3. **If someone has a serious condition like major depression or PTSD, they would do well to get serious, professional help before using an entheogen** and to ask that caregiver's advice. Some counselors and therapists are glad to work with a client before and after an entheogenic journey.~~
- ~~4. **Unless you have expert guidance, it's best to start with small amounts,** using more only after you become familiar with the material and the terrain.~~
- ~~5. **Don't go solo.** Have at least one trusted friend (called sitter, guide, or facilitator) be with you, sober during the entire journey, and commit in advance to honor that person's instructions if he or she tells you not to do something. Entheogens can amplify the whole range of human emotions, including anxiety, which can sometimes lead to panic. Having a sitter gives you a certain comfort and mental freedom, and can help keep things safe.~~
- ~~6. **Reverence reduces risks and can help lead to positive outcomes.** In cultures that have long used entheogenic substances beneficially, that use is approached with great respect, not haphazardly, and for life-enhancing purposes.~~

~~;~~ and

WHEREAS, the City of Berkeley wishes to declare its desire not to expend City resources in any investigation, detention, arrest, or prosecution arising out of alleged violations of state and federal law regarding the use of Entheogenic Plants.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Mayor and City Council hereby declare that it shall be the policy of the City of Berkeley

that no department, agency, board, commission, officer or employee of the city, including without limitation, Berkeley Police Department personnel, shall use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of Entheogenic Plants by adults of at least 21 years of age. For the purposes of this resolution, Entheogenic Plants are defined as plants and natural sources such as mushrooms, cacti, iboga containing plants and/or extracted combinations of plants similar to ayahuasca; and limited to those containing the following types of compounds: indole amines, tryptamines, phenethylamines.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: commercial sales or manufacturing of these plants and fungi, possessing or distributing these materials in schools, driving under the influence of these materials; or public disturbance.

BE IT FURTHER RESOLVED that the Council urges all those who decide to use entheogenic plants to consult their doctor beforehand and take the utmost medical precaution when doing so, and that no part of this resolution constitutes medical advice or a recommendation or endorsement of any drug or product.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to work with the City's lobbyists to support the decriminalization of all Entheogenic Plants and plant-based compounds that are listed on the Federal Controlled Substances Schedule 1.

BE IT FURTHER RESOLVED that the City Council hereby declare that it shall be the policy of the City of Berkeley that the investigation and arrest of adult persons for planting, cultivating, purchasing, transporting, distributing, engaging in practices with, and/or possessing Entheogenic Plants or plant compounds on the Federal Schedule 1 list shall be amongst the lowest law enforcement priority for the City of Berkeley.

BE IT FURTHER RESOLVED that the City Council call upon the Alameda County District Attorney to cease prosecution of persons involved in the use of Entheogenic Plants or plant-based compounds on the Federal Schedule 1 List.

~~BE IT FURTHER RESOLVED that the City Council directs the City Manager to return to Council and present an assessment of community impacts and benefits within a year of passage of this resolution.~~

BE IT FURTHER RESOLVED that if any provision of this resolution is declared by a court of competent jurisdiction to be contrary to any statute regulation or judicial decision or its applicability to any agency person or circumstances is held invalid the validity of the remainder of this resolution and its applicability to any other agency person or circumstance shall not be affected.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Alameda County Supervisor Keith Carson, Assemblymember Buffy Wicks, State Senator Nancy Skinner, Congresswoman Barbara Lee, Senator Dianne Feinstein, and Senator Kamala Harris, and that the Berkeley City Council formally requests that they take action to decriminalize Entheogenic plants through their respective legislative bodies.

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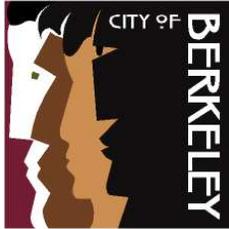
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ACTION CALENDAR  
December 13th, 2022

To: Honorable Mayor and Members of the City Council  
 From: Community Health Commission  
 Submitted by: Andy Katz, Chairperson, Community Health Commission  
 Subject: Responsible Psychedelic Drug Policy Reform in Berkeley

RECOMMENDATION

Adopt a Resolution that refers to the City Manager to work with external organizations to provide psychedelic harm reduction, education, and support resources to the Berkeley Community, refers to the City Manager work with City Departments and external organizations to create, and return to the City Council with, a policy for collecting public health data on psychedelic drug use in the City, and deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).

SUMMARY

- The purpose of this report is to make a recommendation to the City Council regarding psychedelic drug policy reform in the City.
- Public perceptions of psychedelic drugs have dramatically shifted in the past few years, with mainstream media outlets reporting enthusiastically about the beneficial potential of psychedelic drug use (sometimes touting the substances as miracle cures or magic bullets), psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States, billions of dollars of investment pouring into the psychedelic space, a trend towards increasing use of psychedelic drugs within the population, and a wave of interest in receiving psychedelic treatments. Given these rapid changes, there is a need for the provision of unbiased, evidence-informed psychedelic harm reduction, education, and support resources to the public, as well as for the collection of public health data on psychedelic drug use.
- This report recommends that the City Council adopt a resolution that refers to the City Manager to work with external organizations to provide psychedelic harm reduction, education, and support resources to the Berkeley Community, refers to the City Manager work with City Departments and external organizations to create, and return to the City Council with, a policy for collecting public health data on

psychedelic drug use in the City, and deprioritizes the enforcement of laws that impose criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws that impose criminal penalties for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use (with the exception of Peyote).

- This recommended action would help provide the needed resources to the Berkeley Community, create a policy for public health data collection regarding psychedelic drug use in the City (which is particularly important for policy-tracking going forward), and prevent the possibility of individuals facing criminalization for the personal use of the substances in the City. The recommended resolution would serve as an example or template for other jurisdictions to follow.
- Implementing the recommended action would only cost the City in terms of staff time, and in terms of resources such as the use of City webpages, community spaces such as libraries, etc. All of the psychedelic harm reduction, education, and support resources would be provided to the Berkeley community for free by external organizations who are working in collaboration with the City.
- No specific funding is required for implementing the recommended action.

### BACKGROUND

“Psychedelic drugs” (or “classical psychedelics”) are LSD, psilocybin, DMT, mescaline, and other compounds that exert similar psychoactive effects by stimulating a specific subtype of serotonin receptor (5-HT<sub>2A</sub>) on nerve cells in the brain and elsewhere in the body.

Although ketamine, MDMA, and ibogaine are often called “psychedelic drugs,” these substances produce different psychoactive (and physiological) effects through different pharmacological mechanisms of action, and are not considered “psychedelic drugs” in this resolution.

Psychedelic drugs can induce extra-ordinary, altered states of consciousness, involving significant changes in thought, feeling, and perception, with these psychoactive effects becoming more intense and unpredictable when the drugs are taken in higher doses. Psychedelic drug use has the potential to produce positive effects and beneficial outcomes (such as a sense of spiritual well-being, and improvements in the symptoms of mental health disorders), and to produce adverse effects and negative outcomes (such as intense confusion, fear, and panic, and even erratic behavior that can lead to harming oneself or others).

The acute effects and outcomes of psychedelic drug use are dependent in part on individual personality trait, medical health, and mental health factors. Psychedelic drug use can be beneficial for one person, but dangerous for another. Individuals with particular contraindications are known to face an increased likelihood of adverse effects and negative outcomes; for example, individuals who have a history of or predisposition

to psychotic disorders are at risk for triggering the onset of psychosis as a result of psychedelic drug ingestion.

The acute effects and the outcomes of psychedelic drug use are also extremely dependent on “container,” which is the particular context/conditions/circumstances within which the substance is used. “Container” includes the user’s “Set,” which in addition to the user’s personality traits and health conditions, is all of the expectations, intentions, emotions, beliefs, etc. that the user brings to the situation, and the “Setting,” which is the physical, interpersonal, social, cultural, etc. environment, or external conditions, within which the use occurs (including what the sitter, guide, facilitator, therapist, etc. brings into the situation, if they are present in the situation).

While there is still much to learn about the factors that contribute to how individuals react to psychedelic drugs and how these factors relate to acute effects and outcomes of use, it is clear that adverse effects and negative outcomes are significantly less likely to occur and beneficial effects and outcomes are more likely to occur when psychedelic drugs are used within containers that are intentional, structured, and include the support of trained, competent, and well-intentioned sitters, guides, facilitators, therapists, etc. It is also clear that adverse effects and negative outcomes are significantly more likely, and beneficial effects and outcomes less likely, when the drugs are used outside of these containers (for example, when the user decides to use the substance spontaneously without intentional preparation, when they are alone, in a chaotic or unpredictable environment, etc.).

The outcomes of psychedelic drug use are also dependent on “integration,” which refers to the process of unpacking and exploring the meaning of one’s psychedelic experience and applying it to one’s life, with integration being vital not only because it helps one fulfill the beneficial potential of one’s experience, but also because the absence of integration can create risks and lead to negative outcomes, such as in scenarios when trauma surfaces in the experience, but is not integrated afterwards.

A variety of plants and fungi contain psychedelic drugs, and many have been used for religious and medicinal purposes by indigenous groups for at least hundreds of years. A variety of species of psilocybin-containing fungi, the LSA-containing seeds of morning glory species (*ipomoea tricolor* and *turbina corymbosa*), Ayahuasca (a brew of DMT-containing and MAOI-containing plants, with the latter being included to allow the DMT to be absorbed through oral ingestion), and mescaline-containing cacti such as San Pedro (*echinopsis pachanoi*), Peruvian Torch (*echinopsis peruviana*), and Peyote (*lophophora williamsii*) all have well-documented histories of indigenous and syncretic traditional use in the Americas, and all continue to be used in a variety of traditional contexts to this day. This use often occurs (though not always) within highly intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, followed by integration practices, and occurring within cultural contexts that differ quite significantly from that of contemporary American society.

Some religious groups with a history of traditional ceremonial use of psychedelic-containing plants and fungi have been granted religious-use protections in the United States, such as the Brazil-based Ayahuasca-using churches “Uniao do Vegetal” (UDV) and “Santo Daime,” and the Peyote-using Native American Church (NAC), which arose in the North American Southwest. Peyote currently only grows wild in South Texas, and the population is very fragile, which is why the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative released a statement requesting that decriminalization and legalization policies do not include this species, to prevent the possibility of increased poaching threats to the wild population.

The history of psychedelic drug use in Western society is closely tied to the discovery and proliferation of LSD (lysergic acid diethylamide). The Swiss scientist Albert Hoffman accidentally discovered the psychoactive effects of the substance in 1943, in his work for Sandoz Laboratories. Following Hoffman’s discovery, Sandoz Laboratories believed that LSD had potential for clinical applications, and encouraged researchers to experiment with the substance to explore its potential. For about 15 years, LSD was the focus of extensive research and testing, but this first wave of scientific experimentation was derailed when LSD began to gain popularity among countercultural groups, and utopian-minded psychedelic-drug-use-evangelicals such as Timothy Leary began to publicly call for widespread use of the substance (and other psychedelics). As the use of LSD became more visible, associated with countercultural and activist movements, associated with recreational use, and associated with adverse reactions such as psychosis and erratic behavior, jurisdictions moved to ban the substance. In 1970, the federal government of the United States moved to classify LSD as Schedule 1, which is a category of controlled substances that supposedly have been found to have “a high potential for abuse,” “no currently accepted medical use in treatment,” and “a lack of accepted safety for use under medical supervision.” Other psychedelic drugs such as psilocybin, DMT, and mescaline, were also classified as Schedule 1 controlled substances along with LSD. For a long time after this, psychedelic drugs and psychedelic drug use became a stigmatized topic in much of Western society, and legal research ceased for many years. After psychedelic drugs became illegal and stigmatized, use of the substances continued underground, including in the context of underground psychedelic-assisted therapy, psychedelic ceremonies, and other psychedelic practices.

While the discovery and proliferation of LSD was incredibly important to the history of psychedelic drug use in Western society (especially in that first wave from 1943 to 1970), it is important to note that Western interest in psilocybin-containing mushrooms and the traditional ceremonial use of psychedelics was invigorated by Gordon Wasson’s 1957 Time article documenting his visit to the Mazatec curandera Maria Sabina, who used psilocybin-containing mushrooms in her practice. This article ultimately led to a flood of tourists visiting Maria Sabina’s village and other areas of Mexico, seeking to experience psilocybin-containing mushrooms, which was not Maria Sabina’s intention in

sharing her knowledge with Wasson. The unwanted attention created severe problems for Maria Sabina, for her community, and for other curanderos and indigenous communities who traditionally used psilocybin-containing mushrooms. In the 1960s, however, psilocybin-containing mushrooms were not used by Westerners at anywhere near the same rate that LSD was used. LSD was being produced in massive amounts in (eventually illicit) laboratories, and was easily transported and distributed (largely because an active dose of LSD is a miniscule amount of material). Techniques for cultivating psilocybin-containing mushrooms were not developed or available until the 1970s, and foraging for the mushrooms could not create enough of a supply to in any way compete with LSD. Things have changed, however. A survey study that investigated contemporary psychedelic drug use found that psilocybin-containing mushroom use accounted for half of all psychedelic drug use reported by participants.

Legal scientific research into psychedelic drugs in the United States started up again in the 1990s when Rick Strassman was able to successfully secure approval to conduct experiments with DMT on human subjects. DMT is an endogenous compound (meaning it occurs naturally in the human body), so it was much easier to convince the appropriate authorities that this substance was worthy of scientific study (compared to LSD or other non-endogenous psychedelic drugs). Although Strassman eventually stopped his DMT research before he fully completed the project, his work was crucial to putting the gears in motion again for legal psychedelic research. After Strassman's successful securing of approval for his DMT research, "the door was open for further human experimentation with psychedelic drugs," because the FDA was now "more willing to accept protocols for psychedelic research."

In the 2000s and onward, a number of research teams began to increasingly study the therapeutic applications of psychedelic drugs, primarily psilocybin, showing promising initial results. This generated more scientific and medical interest in psilocybin and psychedelics in general, leading to more and more studies being approved, funded, and conducted. This new wave of psychedelic research was fueled in part by the availability of new tools and models for studying the pharmacology and neuroscience of psychedelic drugs, as well as by the development of new ways to collect and analyze quantifiable data about research subjects' psychedelic experiences.

In the past several years, the resurgence of psychedelic research has only accelerated. There has been an explosion of research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as major depressive disorder and substance use disorder, with a number of studies showing promising preliminary evidence for therapeutic benefits when screened, prepared patients are administered with the substances within structured, clinical containers, with the support of trained therapists, and with integration following the administration sessions. These promising preliminary findings led the FDA to issue "breakthrough therapy" designations to psilocybin-assisted treatments, expediting the process of review and approval. While psychedelic therapies have not yet been demonstrated to be safe and effective

treatments for any health condition, and have not yet been approved by the FDA, this year, the federal government created an interagency task force to study and address issues related to the projected approval, rollout, and regulation of psychedelic medicine in the United States, with the goal of creating a “framework for the responsible, accountable, safe, and ethical deployment of psychedelic therapies for mental health disorders when the FDA approves their use.”

While psychedelic drug use has been highly stigmatized in Western society, especially since the beginning of the Drug War in the United States, public perceptions have dramatically shifted in the past few years, with mainstream media outlets reporting enthusiastically about the beneficial potential of psychedelic drug use, psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States, billions of dollars of investment pouring into the psychedelic space, first from a small number of wealthy psychedelic-enthusiasts, and now increasingly from commercial/industry/venture capital interests, a trend towards increasing use of psychedelic drugs within the population, and a wave of interest in receiving psychedelic treatments. This wave of interest in receiving psychedelic treatments has been referred to as the “Michael Pollan Effect” (in reference to the social and cultural impact of Pollan’s book and docuseries) and is evidenced by the massive increase in the number of individuals seeking to participate in the limited number of active or recruiting psychedelic clinical trials.

David B. Yaden and some other researchers in the psychedelic research field have argued that we have become trapped in a “psychedelic hype bubble” that is “driven largely by media and industry interests.” They note that the term “bubble” is “often applied to something of value that has become overvalued in popular perception,” typically when a “rapid increase in extreme visibility and expectations” leads to “a peak of inflated expectations,” which is then followed by “an equally steep decline in which highly inflated expectations are dashed.” Yaden et al. argue that psychedelics are “currently cresting” the peak of inflated expectations, citing the observation that “in the past few years, a disturbingly large number of [mainstream media] articles have touted psychedelics as a cure or miracle drug.”

It is important to remain aware of the possibility that we are indeed in the midst of a “psychedelic hype bubble,” and of the fact that psychedelic research, and our understanding of psychedelic drugs and psychedelic practices, are still in the early stages. Psychedelic drugs are clearly very powerful tools, and contemporary American society is only beginning to understand how they work, what they are capable of, and how to use them safely, beneficially, and ethically. Psychedelics and psychedelic practices may be beneficial for some people in some contexts, and not for others in other contexts, and we must be careful about allowing expectations of the substances’ universal beneficial potential and safety to become excessively inflated.

Psychedelic drug reform policies are, in part, public health policies. In order to craft evidence-based public health policies regarding psychedelic drug use, we must look to the available scientific research into the individual and public health outcomes of psychedelic drug use, and seek accurate, comprehensive public health data, and avoid basing policy decisions on rapidly-shifting, media-influenced (and possibly, at this time, overly-enthusiastic) public perceptions of the substances' safety and efficacy. However, we must consider public perceptions of the substances when evaluating the potential need for the provision of psychedelic harm reduction, education, and other support resources. Furthermore, we must consider long-term equitable access concerns in our psychedelic public health policy decision-making.

Psychedelic drug reform policies are also, in part, criminal justice policies. In order to craft appropriate criminal justice policies regarding psychedelic drug use, we must take into account a number of issues, such as the current laws, the actual enforcement situation on the ground in the jurisdiction in question and its criminalization consequences for members of the community, the human rights concerns that are at stake, the actual consequences (particularly unintended consequences) of psychedelic drug reform policies in other jurisdictions, and the various (public health) trade-offs involved in different policy options.

#### RATIONALE FOR RECOMMENDATION

This resolution deprioritizes the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs for personal use (with the exception of Peyote), and laws imposing criminal penalties for the cultivation, processing, and preparation of plants and fungi containing psychedelic drugs for personal use (with the exception of Peyote). This resolution DOES NOT deprioritize the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people, and does not authorize these activities in any way.

The decision to limit deprioritization to possession of psychedelic drugs for personal use, and cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use was motivated by examining the trade-offs involved in the different policy options.

Deprioritizing the enforcement of laws against possession of psychedelic drugs for personal use in Berkeley would prevent individuals from being investigated, arrested, prosecuted, or imprisoned for engaging in this activity in Berkeley. According to reports from BPD sources (BPD was unable to provide provide data after a request was sent), the police department very, very rarely investigates or arrests individuals for offenses involving psychedelic drugs, and when this does occur, it is virtually always for commercial distribution, rather than possession for personal use, or cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use. This suggests that very few people face the risk of criminal consequences for offenses

involving psychedelic drugs in Berkeley, with the main risk being to those who sell the substances.

Given that very, very few (if any) people are already subject to investigation or arrest in Berkeley for possession of psychedelic drugs for personal use, this policy option would probably not have significant concrete criminal justice consequences for members of the Berkeley community, although it would prevent the highly unlikely (and blatantly unjust) scenario in which someone was indeed investigated and/or arrested for possession of psychedelic drugs for personal use in Berkeley. However, this policy option sends a symbolic message about the importance of decriminalizing possession of psychedelic drugs for personal use, particularly to jurisdictions where individuals actually do face a significant risk of criminalization for this activity.

The deprioritization of investigation and enforcement of laws against giving away, sharing, or distributing psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably led to the emergence of unregulated gray markets for psychedelic drugs. In these gray markets, we see enterprising entrepreneurs opening commercial operations such as delivery services (advertised with fliers and posters), storefront dispensaries, pop-ups, and outdoor market booths, sometimes asking for “suggested donations,” and sometimes not bothering at all with the pretense that they are merely “giving away” the substances. For example, at least one convenience store in Oakland is now openly offering psilocybin mushroom chocolate bars for sale. This deprioritization policy has also demonstrably opened access to unregulated facilitated psychedelic dosing sessions (with practitioners and groups accepting payment for their services), including one-on-one psychedelic-assisted practices and group practices such as ceremonies (often with public-facing websites and other promotional materials). It is important to carefully consider the implications and potential public health consequences of opening this kind of access to the substances at this time.

While there is much we do not know yet about the individual and public health consequences of psychedelic drug use, we do know that these are very powerful psychoactive substances (far more powerful than cannabis) that can present serious risks, especially for some individuals, and when used in different circumstances. While many of these risks can be mitigated when use occurs within an intentional, supportive, guided “container,” there is still much to learn about how specific individual and container factors are connected to safety and benefit, and about how to create safe and beneficial containers for different individuals, and for different purposes (e.g. treating depression, PTSD, etc.). Additionally, the use of psychedelic drugs under the guidance or supervision of another person places the user in a highly vulnerable position in which they are susceptible to (conscious or unconscious) manipulation, exploitation, and abuse at the hands of their sitter, facilitator, guide, therapist, etc. Without having effective safeguards in place, opening unregulated access to psychedelic drugs and psychedelic services would create a dangerous situation, particularly for individuals with contraindications, and individuals who are members of vulnerable populations.

While there is a body of promising scientific research into the potential therapeutic applications of psychedelic drugs, the findings from this research are still quite limited and preliminary. However, psychedelic drugs are increasingly perceived by the public as being safe and effective “medicines,” despite the current lack of FDA approval, and despite the large gaps in our scientific knowledge about the substances’ risk/benefit profiles and long-term effects (for different individuals and populations, when used in different contexts, and when used in the treatment of different health conditions). Governments have public health imperatives to develop and implement policies that fully acknowledge these complex (and rapidly-changing) circumstances. Policies must be developed and implemented with the understanding that psychedelic drug policy reform involves unique issues that are not present when considering (for example) methamphetamine or fentanyl policy reform, in part because these other substances, unlike psychedelics, are generally perceived by the public as being dangerous, addictive, recreational drugs, rather than as safe and effective “medicines” that will supposedly be the magic-bullet solution to the mental health crisis.

Because psychedelic drugs are increasingly promoted as being actively beneficial substances with great therapeutic, medical, or even spiritual and societal value, this is generating significant and unique demand for psychedelic drugs and psychedelic services. Deprioritizing the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people opens the door for individuals and groups to provide an unregulated supply to meet this demand. Some of these individuals and groups, even those with entirely good intentions, would likely end up presenting or marketing their goods and services in ways that are not accurate or evidence-based, and that make misleading or unfounded claims about the safety and efficacy of what they are providing. This situation, again, would be dangerous, particularly for individuals with contraindications, and for vulnerable populations (such as severely depressed people who are desperate for a solution to their suffering).

We carefully considered issues related to long-term equitable access to psychedelic drugs and psychedelic services in our policy-making decision process. One often-raised concern is that if local jurisdictions and states do not decriminalize (or even legalize) the unrestricted giving away, sharing, or administering of psychedelic drugs right now, that future regulatory frameworks will inevitably become overly-restrictive, and shaped by corporate interests, making access expensive and inequitable.

In response to this concern, we argue that immediately opening unregulated gray markets for psychedelic drugs and psychedelic services, at least without first establishing a robust and widely-accessible safety/harm reduction/education/support scaffolding, represents inequitable public health policy. For example, if unregulated gray market access was opened without any safeguards in place, individuals who have more time, education, experience, skills, resources, etc. to conduct their own research/educate themselves (e.g. about using psychedelics within a safe container,

about contraindications, about detecting red flags that may indicate abusive guides, etc.) would likely be able to make safer and more beneficial decisions about using the substances, about selecting a guide, etc. These individuals would presumably be more likely to experience positive outcomes and less likely to experience negative outcomes from accessing psychedelic drugs or psychedelic services, which is an inequitable situation (and vulnerable populations in particular would be subject to inequitable levels of risk). This is one of the reasons it is necessary to include a safety scaffolding in psychedelic drug policy, and to fully establish this safety scaffolding before opening widespread access.

Furthermore, we are optimistic that a transparent, comprehensive public conversation about the issues, with the participation of representatives of different communities and impacted groups, a variety of interdisciplinary experts, etc. will lead to the development and implementation of psychedelic drug reform policies that promote equitable access to psychedelic drugs and psychedelic services (whatever those policies may ultimately look like). We are optimistic that the people of the State of California, either through their representatives in the legislature or through ballot initiatives, will in the (probably near) future approve psychedelic drug policies that create access that is equitable, safe, beneficial, and ethical. We can learn from mistakes with cannabis legalization, and work to prevent corporate and other commercial interests from shaping psychedelic policy decisions towards their own interests.

Moving on from public health concerns, we identified and analyzed several criminal justice concerns that may provide reasons in favor of deprioritizing the enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people in the City of Berkeley. One criminal justice reason to select this policy option would be to prevent individuals from being investigated, arrested, prosecuted, and incarcerated for engaging in these activities in Berkeley. However, as stated previously, very few people are investigated or arrested in Berkeley for offenses involving psychedelic drugs, with the rare cases involving the sale of the substances. Therefore, including giving away, sharing, etc. in our deprioritization policy would not have a significant impact on keeping individuals from being criminalized for the psychedelic-involved activities they are already engaging in, because these individuals are not currently at significant risk for investigation or arrest in Berkeley. If we did include giving away, sharing, etc. in our deprioritization policy, we would, however, be actively opening the gates for a widely-accessible, but completely unregulated gray market to emerge in Berkeley. We see the need to avoid this unintended consequence (and its public health implications) as outweighing the criminal justice value of deprioritizing enforcement of laws against giving away, sharing, etc. of psychedelic drugs.

Another relevant criminal justice concern we considered is the imperative to respect and protect the right to religious freedom. It has been argued that the right to religious freedom entails that every individual has the right to use psychedelics in religious

practices, particularly in community with others, free from government restriction or interference. If this is the case, then this would provide reason to deprioritize enforcement of laws against giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people *within the context of religious practices*.

We decided that while the right to religious freedom may entail that every individual has the right to use psychedelic drugs in religious practices, including in community with others, there are many problems involved in identifying “religious practices” and distinguishing them from other activities, such that it would be intractably difficult to write a religious use protection into the resolution without creating many ambiguities and easily-exploited loopholes (for commercial activity, insincere religious practice, etc.). Additionally, deprioritizing enforcement of laws against possession of psychedelic drugs for personal use would allow individuals to engage in psychedelic religious practices in community with others, as long as everyone brought their own substances to these gatherings. Furthermore, because psychedelic practices involve the use of powerful drugs that place users in highly vulnerable positions in which they are susceptible to (conscious or unconscious) manipulation, exploitation, and abuse, we are concerned that our attempts to specifically open the door for religious use any further at this time would open the door to these dangers, particularly when charismatic leaders and guru-figures are involved in the psychedelic practices.

When making the decision to omit giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to other people from the resolution’s deprioritization policy, we considered the public health concerns along with the criminal justice concerns. We determined that the public health reasons to refrain from opening unregulated gray-market access at this time (at least without first fully establishing a robust safety scaffolding) outweigh the criminal justice reasons in favor of deprioritizing enforcement of laws against giving away, sharing, administering, etc. of psychedelic drugs to other people.

An essential part of this resolution is referring to the City Manager to work with external organizations (including the Fireside Project) to provide accurate, evidence-informed, and widely-accessible psychedelic education, harm reduction, and other support resources to the Berkeley community. The goal here is to help individuals make informed and responsible decisions about using psychedelic drugs, and if they choose to use the drugs, to help them do so as safely and beneficially as possible. We are seeing this component of the resolution as being particularly important right now due to the marked shift in public perceptions of psychedelic drugs, and due to the increasing interest in and use of the substances (and unregulated gray market access in Oakland). We believe that the provision of psychedelic harm reduction, education, and support resources is essential for providing a “safety scaffolding” for psychedelic drug use within the City, and that this safety scaffolding must be fully in place before we can consider

opening widespread, unregulated access to psychedelic drugs and psychedelic services.

The final element of this resolution is referring to the City Manager to create, and return to the City Council with, a policy for collecting public health data regarding psychedelic drug use in the City. As of right now, the City of Berkeley has no policy for psychedelic drug use public health data collection, and no City department collects any of this data. There are extremely significant gaps in our knowledge of current patterns of psychedelic drug use and the public health outcomes of use generally, so improved data collection is needed to arrive at a better understanding of psychedelic drug use in the population and its effects on public health in the City, particularly for the purpose of preparing for policy tracking and for crafting evidence-based psychedelic public health policies in the future.

In creating the “safety scaffolding” and the public health data collection policy, we also aim to send a message to other jurisdictions about the necessity of including these elements in responsible psychedelic drug reform policies.

#### ALTERNATIVE ACTIONS CONSIDERED

- We considered the resolution that the advocacy group Decriminalize Nature proposed in 2019, which is very similar to the policy passed in Oakland, CA and a number of other jurisdictions. This proposed Berkeley resolution would have opened the door for the emergence of an unregulated gray market in Berkeley, without first establishing a safety scaffolding and a policy for public health data collection. For the reasons discussed in the above “rationale” section, we chose a different policy approach.
- We decided against the “no action” option because there is so much public interest in psychedelic drug use right now, and we believe that it is crucial for the City of Berkeley to address this topic in a responsible, public-health-focused manner.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

- Possession, cultivation, processing, and preparation of Peyote (*Lophophora williamsii*) for personal use is being omitted from this resolution’s deprioritization policy, in order to protect the sustainability of the endangered plant’s population in the Southwest. The National Council of Native American Churches and the Indigenous Peyote Conservation Initiative have asked for this plant to be excluded from psychedelic decriminalization and legalization proposals for this reason.

#### FISCAL IMPACTS OF RECOMMENDATION

- Adoption of this resolution may very, very slightly reduce City expenditures associated with enforcement of laws imposing criminal penalties for possession of psychedelic drugs for personal use, and laws imposing criminal penalties for

the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use.

- Adoption of this resolution would decrease any present and future City expenditures associated with addressing adverse reactions to and negative health outcomes of psychedelic drug use, as a result of provision of psychedelic harm reduction, education, and support resources.
- Adoption of this resolution would require the use of City resources (including City staff time) to work with the external organizations to provide the psychedelic harm reduction, education, and support resources and to create and implement a public health data collection policy. However, because the City would be partnering with external organizations who would provide these resources (and collaborate in creating the data collection policy) for free, the costs to the City would be quite limited.

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

CONTACT PERSON

Roberto Terrones, Health Services Program Specialist, Health, Housing, & Community Services, 510-981-5324, RTerrones@cityofberkeley.info

Attachments:

- 1: Resolution
- 2: References

RESOLUTION NO. ##,###-N.S.

RESOLUTION CALLING FOR THE PROVISION OF EVIDENCE-INFORMED PSYCHEDELIC HARM REDUCTION, EDUCATION, AND SUPPORT RESOURCES TO THE BERKELEY COMMUNITY, CALLING FOR THE CREATION OF A POLICY FOR COLLECTING PUBLIC HEALTH DATA ON PSYCHEDELIC DRUG USE IN THE CITY, AND DEPRIORITIZING THE ENFORCEMENT OF LAWS THAT IMPOSE CRIMINAL PENALTIES FOR THE POSSESSION OF PSYCHEDELIC DRUGS FOR PERSONAL USE AND LAWS THAT IMPOSE CRIMINAL PENALTIES FOR THE CULTIVATION, PROCESSING, AND PREPARATION OF PSYCHEDELIC-CONTAINING PLANTS AND FUNGI FOR PERSONAL USE

WHEREAS, “psychedelic drugs” (or “classical psychedelics”) are LSD, psilocybin, DMT, mescaline, and other compounds that exert similar psychoactive effects by stimulating a specific subtype of serotonin receptor (5-HT<sub>2A</sub>) on nerve cells in the brain and elsewhere in the body;<sup>1</sup> and

WHEREAS, psychedelic drugs can induce extra-ordinary, altered states of consciousness, involving significant changes in thought, feeling, and perception,<sup>1,2</sup> with these psychoactive effects becoming more intense and unpredictable when the drugs are taken in higher doses;<sup>1</sup> and

WHEREAS, psychedelic drugs have the potential to produce positive effects and beneficial outcomes (such as a sense of spiritual well-being, and improvements in the symptoms of mental health disorders),<sup>1-4</sup> and to produce adverse effects and negative outcomes (such as intense confusion, fear, and panic, and even erratic behavior that can lead to harming oneself or others),<sup>1-4</sup> and individuals with particular contraindications face an increased likelihood of adverse effects and negative outcomes, with those who have a history of or predisposition to psychotic disorders being at risk for triggering the onset of psychosis as a result of psychedelic drug use;<sup>4-5</sup> and

WHEREAS, the acute effects and the outcomes of psychedelic drug use are extremely dependent on “container,”<sup>1-6</sup> which is the particular context/conditions/circumstances within which the substance is used, including “Set” (the user’s expectations, intentions, mood, beliefs, medical and health conditions, etc.) and “Setting” (the physical, interpersonal, social, cultural, etc. environment within which the use occurs);<sup>1-6</sup> and

WHEREAS, while there is still much to learn about the factors that contribute to how individuals react to psychedelic drugs and how these factors relate to acute effects and outcomes of use,<sup>15</sup> it is clear that adverse effects and negative outcomes are significantly less likely to occur and beneficial effects and outcomes are more likely to occur when psychedelic drugs are used within containers that are intentional, structured, and include the support of trained, competent, and well-intentioned sitters, guides, facilitators, therapists, etc.,<sup>1-6</sup> and that adverse effects and negative outcomes are significantly more

likely, and beneficial effects and outcomes less likely, when the drugs are used outside of these containers (for example, when the user decides to use the substance spontaneously without intentional preparation, when they are alone, in a chaotic or unpredictable environment, etc.);<sup>1-6</sup> and

WHEREAS, the outcomes of psychedelic drug use are also dependent on “integration,” which refers to the process of unpacking and exploring the meaning of one’s psychedelic experience and applying it to one’s life,<sup>7</sup> with integration being vital not only because it helps one fulfill the beneficial potential of one’s experience, but also because the absence of integration can create risks and lead to negative outcomes, such as in scenarios when trauma surfaces in the experience, but is not integrated afterwards; and

WHEREAS, psychedelic-containing plants and fungi have a long history of traditional use in some indigenous societies,<sup>6,7</sup> with this use typically occurring within highly intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, followed by integration practices, and occurring within cultural contexts that differ quite significantly from that of contemporary American society;<sup>6,7</sup> and

WHEREAS, in recent years, there has been resurgence of scientific research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as major depressive disorder and substance use disorder,<sup>8</sup> with a number of studies showing promising preliminary evidence<sup>15</sup> for therapeutic benefits when screened, prepared patients are administered with the substances within structured, clinical containers, with the support of trained therapists, and with integration following the administration sessions;<sup>8</sup> and

WHEREAS, at this time, while psychedelic therapies have not yet been demonstrated to be safe and effective treatments for any health condition, and have not yet been approved by the FDA,<sup>8,15</sup> the federal government has created an interagency task force to study and address issues related to the projected approval, rollout, and regulation of psychedelic medicine in the United States, with the goal of creating a “framework for the responsible, accountable, safe, and ethical deployment of psychedelic therapies for mental health disorders when the FDA approves their use;”<sup>9</sup> and

WHEREAS, while psychedelic drug use has been highly stigmatized in Western society, especially since the beginning of the Drug War in the United States, public perceptions have dramatically shifted in the past few years,<sup>8-12,15</sup> with mainstream media outlets reporting enthusiastically about the beneficial potential of psychedelic drug use (sometimes touting the substances as miracle cures or magic bullets),<sup>8,10-12,15</sup> psychedelic drug policy reforms being proposed and often passed in various jurisdictions throughout the United States,<sup>7,12,15</sup> billions of dollars of investment pouring into the psychedelic space, first from a small number of wealthy psychedelic-enthusiasts and now from commercial/industry/venture capital interests,<sup>10,15</sup> a trend towards increasing use of psychedelic drugs within the population,<sup>12,13</sup> and a wave of interest in receiving

psychedelic treatments,<sup>11</sup> which has been referred to as the “Michael Pollan Effect,”<sup>11</sup> and is evidenced by the massive increase in the number of individuals seeking to participate in the limited number of active or recruiting psychedelic clinical trials;<sup>11</sup> and

WHEREAS, given the profile of use for this class of drug, and given recent shifts in public perception and policy, the City of Berkeley has a responsibility to make efforts, through collaborations with external organizations, to provide accurate, unbiased, evidence-informed, and widely-accessible psychedelic harm reduction, education, and other support resources to the Berkeley community, to help individuals make informed and responsible decisions about using psychedelic drugs, and if they choose to use the drugs, to help them do so safely and beneficially; and

WHEREAS, there are extremely significant gaps in our knowledge of current patterns of psychedelic drug use and the public health outcomes of use,<sup>12,14,15</sup> so improved data collection is needed to arrive at a better understanding of psychedelic drug use in the population and its effects on public health, particularly for the purpose of preparing for policy tracking and for crafting evidence-based psychedelic public health policies in the future; and

WHEREAS, while the possession of psychedelic drugs for personal use is illegal at the federal level in the United States, arrests and prosecutions for engaging in psychedelic drug offenses almost always follow state law, and laws and penalties vary widely between different states, with possession of psychedelic drugs for personal use being considered in California to be a misdemeanor, punishable by up to one year of imprisonment; and

WHEREAS, arresting, prosecuting, and incarcerating people for the possession of psychedelic drugs for personal use and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use is unjust, needlessly harmful to individuals and communities, represents a waste of resources, and does not promote public health; and

WHEREAS, deprioritization of investigation and enforcement of laws against giving away, sharing, or distributing psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably led to the emergence of unregulated gray markets for psychedelic drugs, with enterprising entrepreneurs opening (sometimes “donation”-based) commercial operations such as delivery services, storefront dispensaries, pop-ups, and outdoor market booths, and now with at least one convenience store in Oakland openly offering psilocybin mushroom chocolate bars for sale; and

WHEREAS, the deprioritization of investigation and enforcement of laws against giving away, sharing, distributing, or administering psychedelic drugs to other individuals has, in jurisdictions such as Oakland, CA, demonstrably opened access to unregulated psychedelic administration/dosing sessions (with practitioners and groups soliciting payment for their services), including one-on-one psychedelic-assisted therapy and group

practices such as ceremonies (often with public-facing websites and other promotional materials), and while some of these practices appear to operate in ways that are largely safe, ethical, and responsible, others do not, and are not required to, operate by the same standards, guidelines, and procedures; and

WHEREAS, at this stage, given the present circumstances in our society, the City of Berkeley's perspective is that it is prudent public health policy to pass a psychedelic drug reform proposal that does not lead to the unintended consequences of the emergence of an unregulated gray market for psychedelic drugs and the opening of access to unregulated psychedelic administration/dosing sessions, without first fully establishing a robust psychedelic harm reduction, education, and support scaffolding, without first creating a policy for public health data collection on psychedelic drug use, and without having a transparent, comprehensive public conversation, involving a variety of interdisciplinary experts, representatives of different communities and impacted groups, etc., about opening access to psychedelic drugs in a way that is safe, beneficial, ethical, and equitable, including discussion of the potential role of religious, ceremonial, and traditional use protections, public education campaigns, harm reduction programs, possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators etc.; and

WHEREAS, the City of Berkeley wishes to declare its desire to create a psychedelic education, harm reduction, and support scaffolding for the community, to create a policy for collecting public health data on psychedelic drug use within the community, and to not expend City resources to assist in the enforcement of laws imposing criminal penalties for the possession for personal use of psychedelic drugs, or for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use; and

WHEREAS, a foundational part of the psychedelic harm reduction infrastructure is the "Psychedelic Peer Support Line," operated by a Bay Area-based nonprofit organization called Fireside Project, which has provided free, confidential peer-to-peer emotional support by phone and text message to over 5,000 people during and after psychedelic experiences, and has averted thousands of emergency room visits and calls to 911, and it is imperative that every member of the Berkeley community become aware of the Psychedelic Peer Support Line before they take any psychedelic substance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Mayor and City Council hereby declare that it shall be the policy of the City of Berkeley that no department, agency, board, commission, officer, or employee of the city, including without limitation, Berkeley Police Department personnel, shall use any city funds or resources to assist in the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs for personal use, or laws imposing criminal penalties for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use. For the purposes of this resolution, "psychedelic drugs" refers to

the “classical psychedelics” LSD, psilocybin, DMT, mescaline, and all other compounds that exert similar psychoactive effects through stimulation of the 5-HT<sub>2A</sub> receptor. This resolution’s deprioritization policy does not apply to the mescaline-containing cactus Peyote (*Lophophora williamsii*), due to sustainability and poaching concerns raised by the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative, who have released a statement requesting that decriminalization policies do not include this species.

BE IT FURTHER RESOLVED that this resolution defines the “personal use of psychedelic drugs” as an individual ingesting or self-administering psychedelic drugs.

BE IT FURTHER RESOLVED that this resolution defines “possession of psychedelic drugs for personal use” as an individual possessing psychedelic drugs for the purpose of being ingested or self-administered by that same individual, and not by any other person or people.

BE IT FURTHER RESOLVED that this resolution defines the “cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use” as an individual cultivating, processing, and preparing any of these plants and fungi for the purpose of the resulting material being ingested or self-administered by that same individual, and not by any other person or people.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: giving away, sharing, distributing, transferring, dispensing, or administering of psychedelic drugs to another individual.

BE IT FURTHER RESOLVED that the City of Berkeley shall, in the future, consider adopting policy that deprioritizes enforcement of laws imposing criminal penalties for the possession of MDMA, ketamine, ibogaine, and other psychedelic-adjacent compounds for personal use.

BE IT FURTHER RESOLVED that the City of Berkeley declares its support for a transparent, comprehensive public conversation about opening access to psychedelic drugs and psychedelic administration/dosing sessions in a way that is safe, beneficial, ethical, and equitable, including discussion of the potential role of religious, ceremonial, and traditional use protections, public education campaigns, harm reduction programs, possible regulatory frameworks, consumer and client protections, licensing or certification systems for therapists and facilitators, etc., and that the City urges the California State Legislature to take part in this conversation, and consider passing legislation that addresses the relevant issues.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to work with external organizations such as non-profits and academic institutions to provide and promote unbiased, evidence-informed psychedelic harm-reduction, education, and

support resources to the Berkeley community, including but not limited to the harm reduction-based drug education curriculum for high school students, Safety First, educational materials, workshops and other resources such as those provided by Fireside Project, DanceSafe, and other organizations for adults generally, as well as for adults who use the drugs in relevant settings, such as within nightlife, at festivals, and the use of drug purity/adulteration checking technologies, etc.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to collaborate with the non-profit organization Fireside Project to ensure that every citizen of Berkeley becomes aware of the Psychedelic Peer Support Line before consuming psychedelic drugs. Such collaboration may include but is not limited to sharing the Psychedelic Peer Support Line's number - 62-FIRESIDE | 623-473-7433 - with law enforcement and other City employees who may come into contact with people who may use psychedelic drugs, posting this information on City websites; encouraging schools to share this information with their students, and encouraging business such as bars, clubs, concert halls, and nightlife venues to share this information with their customers.

BE IT FURTHER RESOLVED that any organization or individual who works with the City to provide psychedelic education, harm reduction, or support resources shall not, through their work with the City, actively facilitate access to psychedelic drugs or psychedelic administration sessions, while current State law is in place. If an organization or individual is found to be acting in violation of this provision of the resolution, the City shall review the partnership with the organization or individual, and consider ending the partnership, depending on circumstances of the violation.

BE IT FURTHER RESOLVED that the City Council refers to the City Manager to collaborate with the Public Health Department, other City Departments, and external organizations and individuals to create, and return to the City Council with, a policy for collecting public health data on psychedelic use in the City.

BE IT FURTHER RESOLVED that the City of Berkeley urges other local jurisdictions to pass proposals that would establish psychedelic education, harm reduction, and support scaffoldings for their communities, create policies for collecting public health data on psychedelic drug use within their communities, and deprioritize the enforcement of laws imposing criminal penalties for the possession of psychedelic drugs (except Peyote) for personal use, and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi (except Peyote) for personal use.

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Office of the Mayor

CONSENT CALENDAR  
July 11, 2023

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: Excused Absence for Vice Mayor Ben Bartlett

RECOMMENDATION

Excuse Vice Mayor Ben Bartlett from the June 6, 2023 Council meeting as a result of an illness of a close family member who needed immediate care.

BACKGROUND

Pursuant to the City Charter, Article V, § 19, the City Council must approve an absence by a Councilmember from a meeting in order for that absence to be considered excused. Specifically, it states:

*If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, or unless excused by the Council as a result of their own illness or the illness or death of a “close family member” as defined in the City’s bereavement policy from attending no more than two regular meetings in any calendar year, they shall be paid for each regular meeting attended during such months in an amount equal to the monthly remuneration divided by the number of regular meetings held during such month.*

Vice Mayor Bartlett was unable to attend the June 6, 2023 Council meeting due to an illness of a close family member who needed immediate care.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

Not applicable

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100





Kate Harrison  
Councilmember, District 4

ACTION CALENDAR  
July 11, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit

RECOMMENDATION

Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for Racing or Other Sport, Entertainment or Profit.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

Golden Gate Fields is one of the last remaining tracks in the Bay Area and has wide-reaching economic and institutional power. Unfortunately, Golden Gate Fields (GGF), spanning both Berkeley and Albany, remains a disturbing display of sanctioned animal abuse in the City. In 2023 alone, eight horses died at its track. Many fatalities in horseracing are euthanizations after horses suffer catastrophic injuries, cutting their lives unnaturally short. When CBS Bay Area reported on the most recent horse death at GGF in May of this year it cited the fact that “domesticated horses live into their 30s, but the average age of active racehorses is [only] three to five years old”.<sup>1</sup>

As horse deaths continue to rise at the horse racing tracks within City limits, it is overdue that the community ensure the well-being and safety of racehorses. As a charter city, Berkeley has the authority to establish regulations and the jurisdiction to protect and promote the public health, safety and welfare by establishing safeguards for animals as long as they do not conflict with state and federal law. It is in the public interest to adopt an ordinance prohibiting inhumane or abusive treatment of animals held, owned, used, exhibited or otherwise kept for sport, entertainment or profit within the City limits.

BACKGROUND

In just the last three months, two nationally recognized racetracks have shut down

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<sup>1</sup> Bay City News Service. “Injured Horse Euthanized at Golden Gate Fields; 8th Horse to Die at Track in 2023.” *CBS News*, 22 May 2023, [www.cbsnews.com/sanfrancisco/news/injured-horse-euthanized-at-golden-gate-fields-8th-horse-to-die-at-track-in-2023/](http://www.cbsnews.com/sanfrancisco/news/injured-horse-euthanized-at-golden-gate-fields-8th-horse-to-die-at-track-in-2023/).

because of the increasing number of horse deaths at their tracks. Churchill Downs, home to the Kentucky Derby, is suspending racing at its primary location following an investigation by the Kentucky Horse Racing Commission<sup>2</sup> after twelve horses died in two months. Just one month before Churchill Downs halted racing, a trainer was barred from participating in any further events at Churchill Downs or related tracks after two of his horses suddenly collapsed.

Baltimore's Laurel Racetrack also suspended horse racing indefinitely. In 2023, 13 horses died at Laurel Racetrack in 2023 and the two most recent euthanizations occurred after racing injuries.

Of the physical problems that lead to regular stable deaths, the three most common causes are (1) colic, (2) laminitis, and (3) pleuropneumonia, all of which are worsened by excessive confinement. According to Dr. Nathaniel White, Professor of Surgery at Marion DuPont Scott Equine Medical Center, one of the three primary situations that present a higher-than-normal risk factor for colic in horses is being confined to a stall for more than 12 hours per day.<sup>3</sup> VCA Veterinary Hospitals reports that "severe colic pain can cause a horse to roll and throw itself about in an uncontrolled and dangerous manner."<sup>4</sup> In extreme cases, the confined horse can violently lunge its body or head into a wall or other solid object...the horse might also "throw itself" to the ground."<sup>5</sup> Horses likely will incur serious self-injury during these explosive episodes, leading to the severe injury and blunt force trauma that cause many of the stable deaths.

In contrast, providing a turnout in which a horse can graze helps reduce the chance of colic, reduces stress and stable vices/behavioral issues, and reduces the chance of respiratory system illness among other benefits.<sup>6</sup>

Beyond the severe physical problems that stabling causes, are the severe psychological problems. When a horse's special, dietary, and social needs are thwarted, so-called stereotypies, or repetitive behaviors that do not have an apparent goal or function, occur. In horses, the classic stereotypies are including cribbing, wind-sucking, bobbing, weaving, pacing, stall-circling, digging, kicking, bucking, spinning, headshaking, or self-mutilation.<sup>7</sup> Through these repetitive activities, endorphins are released which reinforce the behavior as a habit. These are the same symptoms of deep psychological distress commonly seen in other animals in captivity, such as circus elephants and bears.

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<sup>2</sup> Fuente, Homero De la, and Zoe Sottile. "Churchill Downs to Suspend All Racing Operations to Further Evaluate Safety Measures amid Increase in Horse Deaths." *CNN*, 2 June 2023, [www.cnn.com/2023/06/02/sport/churchill-downs-suspension-horse-deaths/index.html](http://www.cnn.com/2023/06/02/sport/churchill-downs-suspension-horse-deaths/index.html).

<sup>3</sup> Dr. Nathaniel A. White II DVM, MS. "Prevalence, Demographics, and Risk Factors for Colic." *Presented at: AAPE Focus on Colic, Quebec City, Quebec, 2005*.

<sup>4</sup> *Colic in Horses*, [vcahospitals.com/know-your-pet/colic-in-horses](http://vcahospitals.com/know-your-pet/colic-in-horses). Accessed 20 June 2023. See also, Jennifer Rice, DVM. "Colic in Horses." *PetMD*, 27 Apr. 2022, [www.petmd.com/horse/conditions/digestive/c\\_hr\\_equine\\_colic](http://www.petmd.com/horse/conditions/digestive/c_hr_equine_colic).

<sup>5</sup> *Id.*

<sup>6</sup> "Turnout Areas." *All Horse Care*, [allhorsecare.weebly.com/turnout-areas.html](http://allhorsecare.weebly.com/turnout-areas.html). Accessed 20 June 2023.

<sup>7</sup> Fernanda C. Camargo. *University of Kentucky College of Agriculture, Stereotypic Behavior In ...*, [www2.ca.uky.edu/agcomm/pubs/ASC/ASC212/ASC212.pdf](http://www2.ca.uky.edu/agcomm/pubs/ASC/ASC212/ASC212.pdf). Accessed 20 June 2023.

According to Dr. Nicholas Dodman, Animal Behaviorist and Professor Emeritus at Tufts University:

"[t]he longer horses are confined per day the more stall vices/stereotypies they will exhibit. Racehorses are the prime example of that with long periods of confinement (up to 23 hours per day), so they exhibit an unusually high prevalence of stereotypies. The suffering can be described by referencing the suffering of people in solitary confinement. A recently released man who had spent years in solitary said he sometimes felt anxiety, paranoia, panic, hallucinations etc. The only way he could help suppress the dysphoria was to walk back and forth in his cell until the line he walked was soaked in his sweat. That's what equine stall walkers do - walk endlessly in circles (or in the case of weavers, walk to and fro)."<sup>8</sup>

Confining a 1200-pound animal to a 12x12 stall is akin to confining an elephant to a box car or a killer whale to a swimming pool. Equine veterinarian, Dr. Kraig Kulikowski, compared this to locking a child in a 4x4 closet for 23 hours a day, abuse punishable by law.<sup>9</sup> The United Nations deems solitary confinement as "cruel and unusual punishment." Prison reserves solitary confinement for the most violent criminal as the worst punishment.

### Ordinance Overview

This proposed ordinance makes it illegal to confine a horse to a stable for more than 10 hours per day and requires every horse with a full turnout with access to a minimum of one-half acre of pasture, where the horse can freely roam, unrestricted and untethered. The ordinance further prohibits forms of animal abuse recognized under state and federal law, including crimes designated as misdemeanor or felony behavior pursuant to California's Animal Abuse and Cruelty Penal Code 597, et seq. The latter law covers anyone who intentionally maims, tortures, wounds, or kills a living animal. This ordinance helps apply the state penal code and other laws to the unique context of horse racing and other activities that may contribute to abuse of animals for entertainment or profit.

For example, the law, consistent with state or federal law, defines the following use of instruments/devices as unlawful: "manual, chemical, electrical or mechanical devices, implements, instruments, including without limitation, prods, shocking devices, jiggers, twitches, stud chains, bullhooks, ankuses, whips, crops, piercings, blinders, flank or bucking straps, chains, wire or rope tie-downs, tongue ties, metal bits, spurs, or any method or modality that can cause injury, pain, suffering, overwork, and death."

<sup>8</sup> Sue McDonnell. *Equine Self-Mutilation*, 28 Feb. 2019, [thehorse.com/16597/equine-self-mutilation/](http://thehorse.com/16597/equine-self-mutilation/).

<sup>9</sup> Battuello, Patrick. "Equine Vet: 'What Impact Would 23 1/2 Hours of Standing in a Closet Have on the Mental Health of a Child?'" *Horseracing Wrongs*, 6 Aug. 2019, [horseracingwrongs.org/2019/08/06/equine-vet-what-impact-would-23-1-2-hours-of-standing-in-a-closet-have-on-the-mental-health-of-a-child/](http://horseracingwrongs.org/2019/08/06/equine-vet-what-impact-would-23-1-2-hours-of-standing-in-a-closet-have-on-the-mental-health-of-a-child/).

Finally, the ordinance defines as illegal specific horse training and racing where there is a reasonable expectation that it could substantially injure or harm the animal. Such reasonable belief would be based upon substantial evidence, which may include, without limitation, the animal's physical condition, indicia of pain or suffering, musculoskeletal limitations, age or other relevant factors.

Enforcement of the ordinance would be carried out by City officials, including police officers and the City's Animal control officers. The City Attorney is also empowered to conduct inquiries or investigate complaints of violations of this Ordinance, and may seek judicial, injunctive relief in the courts or otherwise, to enjoin violations of or to compel compliance with this Ordinance. Private parties may bring a private action for injunctive relief, penalties, or both, to prevent or remedy a violation of this Ordinance after the prospective plaintiff has (1) provided the City and the prospective defendant at least 30 days prior written notice of the alleged violation; and (2) the City has failed to initiate enforcement proceedings, or after initiation, has failed to diligently prosecute. In any action prosecuted under this Ordinance a prevailing plaintiff may recover reasonable attorneys' fees.

Penalties for violation of the Ordinance include misdemeanors and fines not less than \$5,000 per animal, per violation, per day or by imprisonment for a period not less than 30 days and not exceeding 1 year (or by both fine and imprisonment). Any person found to be in violation of this section after previously being convicted of such is guilty of a felony and shall be fined not less than \$5,000 but not more than \$20,000 per animal, per violation, per day or by imprisonment in the city or county jail for a period not less than 60 days and not exceeding 2 years (or by both fine and imprisonment).

The ordinance is intended to apply only to horseracing and excludes the following entities: (1) any institution accredited by the Global Federation of Animal Sanctuaries, the American Zoological Association, and the Association of Sanctuaries, (2) animal adoptions by a City-approved, non-profit animal rescue and adoption agencies, and (3) licensed emotional and physical service animals who assist medically authenticated handicapped persons in daily, necessary, life supporting tasks.

#### FISCAL IMPACTS OF RECOMMENDATION

Staff time will be necessary for implementation and enforcement.

#### ENVIRONMENTAL SUSTAINABILITY

Horse breeding is extremely resource (including food, water, and medicine) and environmentally intensive. The senseless waste of precious animal life currently associated with horse racing also results in needless waste of limited and precious environmental resources.

#### CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

Adopt an Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to  
Establish Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise  
Kept for Racing or Other Sport, Entertainment, or Profit

ACTION CALENDAR  
July 11, 2023

**ATTACHMENTS**

1. Ordinance Adding Chapter 12.75 to the Berkeley Municipal Code to Establish  
Protections Relating to Animals Held, Owned, Used, Exhibited, or Otherwise Kept for  
Racing or Other Sport, Entertainment or Profit

ORDINANCE NO. –N.S.

ADDING CHAPTER 12.75 TO THE BERKELEY MUNICIPAL CODE  
TO ESTABLISH PROTECTIONS RELATING TO ANIMALS HELD, OWNED, USED,  
EXHIBITED OR OTHERWISE KEPT FOR RACING OR OTHER SPORT,  
ENTERTAINMENT OR PROFIT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 12.75 of the Berkeley Municipal Code is added to read as follows:

**Chapter 12.75**

**RACEHORSE PROTECTION POLICY**

**Sections:**

- 12.75.010 Findings and Purpose**
- 12.75.020 Definitions**
- 12.75.030 Racehorse Protection Policy**
- 12.75.040 Enforcement, Private Right of Action**
- 12.75.050 Penalties**
- 12.75.060 Exemptions**
- 12.75.070 Severability**
- 12.75.080 Effective Date**

**12.75.010 Findings and Purpose.**

The Council of the City of Berkeley finds and declares as follows:

A. Article XI, section 7 of the California Constitution recognizes the police power of cities to “make and enforce within [their] limits, all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”

B. The home rule provision of the California Constitution authorizes a charter city to exercise plenary authority over municipal affairs, free from any constraint imposed by the general law and subject only to constitutional limitations.

C. The City of Berkeley, as a Charter City, has authority to make and enforce all ordinances and regulations in respect to municipal affairs.

D. California provides laws and regulations for the licensing and associated operations of horse racing tracks, which preempt the City’s authority to impose laws and regulations that conflict with such state laws and regulations or intrude into the state’s regulatory scheme.

E. The humane protection and care for animals is a matter of local concern essential to the public health, safety and general welfare of Berkeley residents and is a proper subject of regulation by the City acting pursuant to its police powers separate and apart from issues of licensing and racetrack operations preempted by the state or federal government.

F. According to the American Association of Equine Practitioners, as pasture provides additional health benefits to horses, allowing them to move and exercise as they normally do, and regular pasture turnout should be part of a horse's daily routine.

G. The UC Davis Center for Equine Health indicates that horses should not be “-confine[d] ... to a stall unless absolutely necessary for medical reasons.” The UC Davis Center for Equine Health defines “Abuse and Cruelty” to include “use of excessive restraint such as tethering or confining movement for long periods of time” and/or “failure to provide adequate feed, water, care or protection.”

H. The City of Berkeley desires to establish regulations that protect the health, safety, and welfare by prohibiting inhumane or abusive treatment of animals held, owned, used, exhibited or otherwise kept for sport, entertainment or profit within its jurisdiction and authority.

I. This Ordinance aims to protect and promote the public health, safety and welfare by establishing safeguards, protections and assurances for animals held, owned, used, exhibited or otherwise kept for sport, entertainment or profit within the City's jurisdiction and authority and, to the fullest extent feasible, to prevent and deter infliction of any and all harm, abuse, pain, suffering, cruelty, inhumane treatment, unnatural confinement, overwork, and unnecessary injury and death consistent with federal, state, and local laws.

#### **12.75.020 Definitions.**

For the purpose of this Ordinance only, the following words and terms shall be deemed to mean and to be construed as follows:

#### **12.75.030 Racehorse Protection Policy**

A. It shall be unlawful for any person to engage in, host, sponsor, or promote, any animal abuse, animal exhibition, activity, or sport on any property located within, owned by, or in the reasonable control the City of Berkeley in connection with for public entertainment, amusement, benefit, or profit in a manner inconsistent with any state or federal law, including, without limitation, Penal Code § 597 *et seq.* In addition to any violation specified under state or federal law, it shall be a separate and independent violation of this Ordinance to for any person to mentally or physically abuse, drive, overwork, overload, injure, harm, hurt, torment, traumatize, or cause any type of animal to suffer in any way, or to own, sponsor, host or support any activity to mentally or

physically abuse, drive, overwork, overload, injure, harm, hurt, torment, traumatize, or cause any type of animal to suffer in any way.

B. Except as may otherwise be expressly authorized under, and consistent with, state or federal law, it shall be unlawful to use on any animal, manual, chemical, electrical or mechanical devices, implements, instruments, including without limitation, prods, shocking devices, jiggers, twitches, stud chains, bullhooks, ankuses, whips, crops, piercings, blinders, flank or bucking straps, chains, wire or rope tie-downs, tongue ties, metal bits, spurs, or any method or modality that can cause injury, pain, suffering, overwork, and death.

C. Except as may otherwise be expressly authorized under, and consistent with, state or federal law, it shall be unlawful to train, race or otherwise require a horse or other animal to perform for sport or entertainment purposes where there is a reasonable belief that such training, racing or performance could substantially injure or harm the animal. Such reasonable belief shall be based upon substantial evidence, which may include, without limitation, the animal's physical condition, indicia of pain or suffering, musculoskeletal limitations, age or other relevant factors.

D. It shall be unlawful to confine a horse to a stable for more than 10 hours per day.

E. During the remaining hours of the day, it shall be unlawful not to provide every horse with a full turnout with access to a minimum of ½ acre of pasture, where the horse can freely roam, unrestricted and untethered.

#### **12.75.040 Enforcement, Private Right of Action**

A. City officials, including without limitation, police officers, and the City's Animal Control Officer and shall have the power and authority to enforce the provisions of this Ordinance and perform all duties imposed by, or as reasonably necessary to implement, the provisions of this Ordinance.

B. The City Attorney may conduct inquiries or investigate complaints of violations of this Ordinance. The City Attorney may seek judicial, injunctive relief in the courts or otherwise, to enjoin violations of or to compel compliance with this Ordinance.

C. Any resident of the City may bring a private action for injunctive relief, penalties, or both, to prevent or remedy a violation of this Ordinance. No action may be brought under this Subsection C. unless and until the prospective plaintiff has (1) provided the City and the prospective defendant at least 30 days prior written notice of the alleged violation; and (2) the City has failed to initiate enforcement proceedings under this Ordinance within that period, or after initiation, has failed to diligently prosecute. In any action prosecuted under this subdivision a prevailing plaintiff may recover reasonable attorneys' fees.

#### **12.75.050 Penalties**

Whoever violates this Chapter is guilty of a misdemeanor and shall be fined not less than \$5,000 per animal, per violation, per day or by imprisonment for a period of time not less than 30 days and not exceeding 1 year (or by both fine and imprisonment). Any person found to be in violation of this section after previously being convicted of such is guilty of a felony and shall be fined not less than \$5,000 but not more than \$20,000 per animal, per violation, per day or by imprisonment in the city or county jail for a period of time not less than 60 days and not exceeding 2 years (or by both fine and imprisonment).

#### **12.75.060 Exemptions**

The following are exceptions from the provisions of this Ordinance:

- A. Any institution accredited by the Global Federation of Animal Sanctuaries, the American Zoological Association, and the Association of Sanctuaries.
- B. Animal adoptions by a City-approved, non-profit animal rescue and adoption agencies.
- C. Licensed emotional and physical service animals who assist medically authenticated handicapped persons in daily, necessary, life supporting tasks.

#### **12.75.070 Severability**

If any section, subsection, paragraph, or word of this Ordinance, or any application thereof to any person or circumstance, either on its face or as applied, is held to be invalid, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences or words of this act, and the applications thereof; and to that end the sections, subsections, paragraphs, sentences, and words of this act shall be deemed to be severable. The City Council of the City of Berkeley hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid without regard to whether any other portion of this Ordinance or application would be subsequently declared invalid.

#### **12.75.080 Effective Date**

This Ordinance shall become effective immediately for immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency and is passed by a four-fifths vote of the City Council. Otherwise, this ordinance shall become effective 30-days after its final passage.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.





Sophie Hahn  
 District 5 Councilmember

**To:** Honorable Mayor and Members of the City Council  
**From:** Councilmember Sophie Hahn (Author)  
**Subject:** Dedicated Public Comment Time for City of Berkeley Unions

#### RECOMMENDATION

Amend the City Council Rules of Procedure and Order to create a dedicated time for Public Sector Unions representing City of Berkeley employees to have reserved time to address the City Council at the start of the meeting, prior to public comment on non-agenda items.

Create a new Section after **IV. (A) Conduct of Meeting - Comments from the Public** to read:

Comments from Official Representatives of Unions representing City Employees: For meetings of the City Council, official representatives from unions representing City of Berkeley employees may address the City Council for up to five minutes per union, if representatives of three or fewer unions wish to speak, or for up to three minutes per union, if representatives of four or more unions wish to speak. Time may be shared between more than one speaker per union.

#### CURRENT SITUATION

The City of Berkeley is experiencing a high staff vacancy rate. Long-term, high vacancy rates decrease the efficiency of services provided to the community and have a substantial impact on the morale of staff members asked to take on additional tasks working beyond their expected capacity.

On February 22, 2023, to help combat this trend, the City Council adopted the City Manager's Employer of Choice Roadmap. Among many priorities, it stated a target goal of no more than 5 percent staff vacancies, recognizing the status quo needs to change.

The roadmap states *“The City of Berkeley is at a crucial point in its need to both retain our valued staff and attract the best candidates for positions within the organization. To this end, we must transform our processes and implement new tools to be an Employer of Choice.”*

The initiative funds additional HR professionals to accelerate hiring and new communications efforts to brand the City as an Employer of Choice. It also states that the retention of current employees is as important as hiring new employees, and that employees feeling seen and heard is key to retention:

*“A comprehensive employee retention program can play a vital role in both attracting and retaining key employees, as well as in reducing turnover and its related costs. Retaining employees starts during the onboarding and socialization process to the organization. **Recognition, appreciation, and employee engagement are central to building culture and having employees feel seen, heard, and valued. (Emphasis added.)**”*

First-hand knowledge of the circumstances driving staff turnover and retention and impacting staff morale and success is crucial to fully understand the current situation, and for long term management of the organization. Towards these ends, the City of Berkeley should create a dedicated comment time at our meetings to hear from unions representing City employees. The City of Berkeley should follow the lead of the Berkeley Unified School District (BUSD) and the Berkeley Board of Library Trustees (BOLT), which already provide dedicated Union comment periods as part of their standing agendas.

City of Berkeley employees are currently represented by seven unions which would be eligible to participate in Union Comment Periods.

SEIU Local 1021 • Community Services and Part-Time Recreation Activity Leaders  
SEIU Local 1021 • Maintenance and Clerical Chapters.  
Berkeley Chief Fire Officers Association • IAFF • Local 1227  
Berkeley Fire Fighters Association • I.A.F.F. • Local 1227”  
Berkeley Police Association  
IBEW • Local 1245  
Public Employees Union • Local 1

### BACKGROUND

Dedicated comment times for Unions representing agency workers are already standard operating procedure for BUSD and BOLT.

BOLT Policy establishes a reserved 15-minute comment period for union members as part of the public comment period, shared proportionally between any unions representing library employees present at meetings to provide comment:

“For regular meetings of the BOLT, representatives from the three unions representing Library employees may address BOLT, with a total time limit of 15 minutes. If all three (3) unions have representatives present and wish to speak, each union shall receive 5 minutes to address BOLT. If only two (2) unions have representatives present and wishing to speak, each union shall receive 7.5 minutes to address BOLT, for a total of 15 minutes. If only one (1) union has representatives present and wishing to speak, that union shall receive 15 minutes to address BOLT.”

The BUSD Board of Trustees similarly provides a dedicated Union Comment Period on each of their agendas:

“9. Union Comments The chair (or designee) of each District union that includes members of the public is given the opportunity to address the Board on any issue. 5 minutes per union.”

The City of Berkeley should adopt a similar policy.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Sophie Hahn      Council District 5      510-981-7150

ATTACHMENTS

1. City of Berkeley Employer of Choice Initiative
2. BOLT Meeting Policies
3. BUSD Agenda
4. Rules of Procedure and Order Section IV
5. Resolution



Office of the City Manager

ACTION CALENDAR  
February 28, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Dee Williams-Ridley, City Manager  
 Subject: The City of Berkeley Employer of Choice Initiative

RECOMMENDATION

Adopt a resolution to support and endorse the City Manager's workplan to implement the City of Berkeley's Employer of Choice initiative. The workplan provides actionable recommendations by Municipal Resource Group (MRG), an independent consultant firm specializing in providing cities, counties, and government agencies with professional strategic services.

Consistent with MRG's 90-day Action Plan recommendations, the City Manager is currently requesting authorization to 1) hire two Associate HR Analysts and one Assistant HR Analyst, 2) contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and 3) enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.

FISCAL IMPACTS OF RECOMMENDATION

Costs associated with the resources identified within this initial 90-day workplan are offset by unanticipated salary savings within the General Fund, resulting in no net increase to the Fiscal Year 2023 Adopted Budget. The ongoing cost of increased personnel, as well as other potential resources required to effectively implement the Roadmap, will be presented as part of the Fiscal Year 2024 Mid-Biennial Budget Update.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley provides a portfolio of services to the community that is unparalleled in California for a city of its size. The quality of this broad array of services to residents, business, students and visitors is directly impacted by the ability of the City to retain and recruit talented and committed staff. Ensuring budgeted positions are filled with motivated employees is key. Fully staffing an organization that functions efficiently helps limit turnover, retain institutional knowledge and effectively implement the City's programs and policy initiatives.

In September 2022, the City engaged MRG to provide a Roadmap to help the City become an Employer of Choice. A team of three MRG consultants was selected for this project based on their broad experience managing public organizations at the executive level. The goal of the project was to assess the organization’s needs and craft an actionable plan titled the “Employer of Choice Roadmap” to retain and attract employees. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas. MRG was also asked to prepare a Hybrid Best Practices Guide which will be shared with Human Resources, labor unions, and employees through a separate process.

The MRG team conducted meetings and focus groups with employees, department heads, and bargaining units from all departments to identify Employer of Choice issues and strategies. Interviews and focus groups were confidential. Participants were assured that no specific quotes would be assigned to any one individual; rather, input would be integrated into general themes and recommendations.

After review of the Roadmap, the City Manager is recommending a Phase 1 focused workplan to address key 90-day deliverables in three defined areas. These recommendations are in alignment with the priority areas recommended by MRG.

| Focus area                      | Resources Needed                                                                                                                      | Cost                                                |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Invest in HR and fill vacancies | Hire two Associate HR Analysts                                                                                                        | \$131,312 (FY 23)<br>\$448,468 (beginning in FY 24) |
| Invest in HR and fill vacancies | Hire one Assistant HR analyst                                                                                                         | \$53,515 (FY 23)<br>\$182,762 (beginning in FY 24)  |
| Invest in HR and fill vacancies | Contract with a branding/marketing consultant to assist HR in attracting and recruiting top talent through effective outreach methods | \$250,000 (one-time funding)                        |

|                                                                 |                                                                                                                         |                                              |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Launch updated communication efforts                            | Enhance communications and social media content planning and strategy including support for departmental communications | \$200,000 (one-time funding)                 |
| Elevate and update internal systems and administrative services | Initial 90-day plan will be absorbed within the Office of Special Projects                                              | No financial support requested at this time. |

The attached report identifies three focus areas for the City to address immediately. They are 1) invest in HR and fill vacancies, 2) launch updated communications efforts and 3) elevate and update internal systems.

The Human Resources Department is requesting investment in two areas. The first is to build internal capacity with more staff with the addition of two Associate HR Analysts and one Assistant HR Analyst to be more agile in responding to the hiring demands of the organization. Increased capacity will be essential to hiring above attrition for several successive years in order to bridge the vacancy gaps hampering operations across City departments. The addition of analysts will increase the number of exams administered, will shorten the time required to establish eligible lists, will speed up hiring and onboarding processes, and will furnish adequate support to new employees through orientation, training, and benefits.

In order to expand the applicant pool and attract top talent, the Human Resources Department needs a communications consultant to support branding, marketing and recruitment presence on digital platforms, including social media. A full-service agency will be integral to developing recruitment campaign themes and visuals (including promotional videos) and launching them on digital platforms through strategic ads.

To update communication efforts and determine how best to open access to the website and social media use for departmental ease in community engagement, the plan also includes additional consulting resources to work with the City Manager’s Office.

To elevate and update internal systems, the City Manager’s Special Projects Division will work with the Organization to determine business processes and develop a plan using strike teams and/or business process teams to revamp internal and administrative systems for greater efficiency and effectiveness.

The second deliverable is a hybrid workplace best practices guide. This guide is in development incorporating the information from focus groups, what local and other government organizations are doing, and outlining evolving practices. The report will be delivered directly to Human Resources upon completion.

## BACKGROUND

There are a number of national issues facing government sector workplaces with an unusually high vacancy rate. The Great Resignation is a term used to describe a recently developed and ongoing trend of employees voluntarily leaving their places of employment. There is a need for defining new norms in the COVID realignment and remote work assessment process, which reflects the demand for more flexible workplace and hybrid options, and the demand for work/life balance and employers being more focused on employee wellbeing.

Traditional means of recruiting, retaining, and engaging employees are proving insufficient to address this trend. Jurisdictions around the country, including the City of Berkeley, need to understand these trends and associated changes, identify and tailor methods of retaining, recruiting and engaging employees for future workforce development. Employers that are not responding to this trend by quickly adapting may be in danger of losing excellent employees and being unable to compete for top talent.

In September 2022, the City engaged MRG to provide a Roadmap to help the City become an Employer of Choice. A team of three MRG consultants was selected for this project based on their broad experience managing public organizations at the executive level. (See Attachment 2 of the Roadmap for information on MRG.) The goal of the project was to assess the organization's needs and craft an actionable plan titled the "Employer of Choice Roadmap" to retain and attract employees. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas.

The City Manager provided a presentation to Council on October 11, 2022 that highlighted why this work was important to address our needs and provided a workplan with timelines to research best practices, engage in employee focus groups, including time set aside to engage management and labor. The City Manager also provided a "Workforce Analysis" presentation to the City Council on December 13, 2022 highlighting the current status of recruitment challenges and resulting organizational impacts. With launch of the Employer of Choice report, the City Manager committed to return to the Council with a presentation in February 2023.

The City Manager, MRG and the Senior Executive Team met to review the Roadmap recommendations in late January. The consensus for immediate action and effort were: (1) invest in Human Resources with the goal of filling vacant positions and improving the City's branding and recruitment outreach, (2) enhance communication internally with employees and externally with the public including providing more department access and agility with use of social media and website information; and (3) improve internal and administrative business processes and practices to improve efficiency, effectiveness and customer service. Based on this, the City Manager is recommending the following initial investment to jump start these efforts:

1) Hire two Associate HR Analysts and one Assistant HR Analyst;

2) Contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and

3) Enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Several of the recommendations focus on streamlining business processes, creating efficiencies, and greater adoption of technological solutions which will reduce paper and other waste associated with less-than-optimally efficient business practices.

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley is at a crucial point in its need to both retain our valued staff and attract the best candidates for positions within the organization. To this end, we must transform our processes and implement new tools to be an Employer of Choice. It is imperative that we move with speed and agility to implement key activities defined within the proposed Roadmap. These actions are the key establishing a strong and stable Berkeley workforce to meet the demands and growth of the community. The City of Berkeley has been a leader in many initiatives, and we are looking to become a leader in workforce development.

#### ALTERNATIVE ACTIONS CONSIDERED

The City moved swiftly to gather this pertinent information to develop the action plan. It was clear that a third-party was needed to conduct the assessment. No other action was considered.

#### CONTACT PERSON

Dee Williams-Ridley, City Manager, City Manager's Office, 510-981-7000

#### Attachments:

1. Resolution
2. Employer of Choice Roadmap Report from Municipal Resource Group

RESOLUTION NO. ##,###-N.S.

THE EMPLOYER OF CHOICE INITIATIVE

WHEREAS, it is critical for the City of Berkeley to implement an initiative to respond to the major changes in employee attraction, retention and engagement due to COVID-19 and the resulting Great Resignation; and

WHEREAS, The Great Resignation is a term used to describe a recently developed and ongoing trend of employees voluntarily leaving their places of employment; and

WHEREAS, Municipal Resource Group (MRG) is an independent consultant firm specializing in providing cities, counties and government agencies with professional strategic services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley to adopt a resolution to support and endorse the City Manager's workplan to implement the Employer of Choice initiative, which will establish and make actionable the recommendations provided in the Roadmap by Municipal Resource Group (MRG), an independent consultant firm specializing in providing cities, counties and government agencies with professional strategic services.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to proceed with the following actions in the first phase of implementation of the Employer of Choice initiative: 1) hire two Associate HR Analysts and one Assistant HR Analyst, 2) contract with a branding and marketing agency in an amount not to exceed \$250,000 to help attract, outreach and recruit talent for the City workforce in support of the Human Resources Department; and 3) enhance communications and social media content planning and strategy including support for department communications in a combined amount not to exceed \$200,000.

# CITY OF BERKELEY

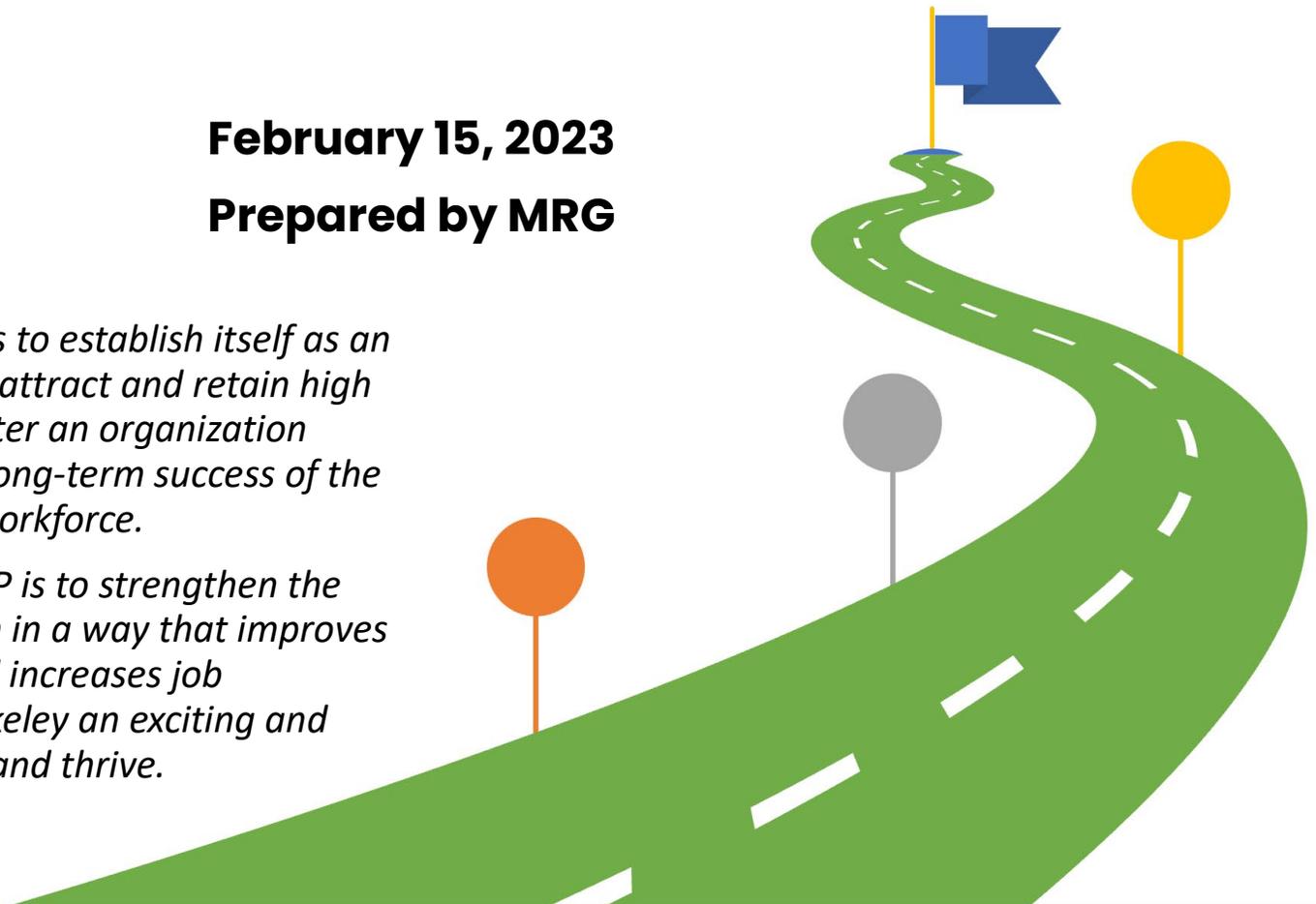
## Employer of Choice Roadmap

**February 15, 2023**

**Prepared by MRG**

*The City of Berkeley wishes to establish itself as an "Employer of Choice" -- to attract and retain high quality employees and foster an organization committed to health and long-term success of the city organization and its workforce.*

*The goal of this ROADMAP is to strengthen the culture of the organization in a way that improves the work environment and increases job satisfaction -- making Berkeley an exciting and supportive place to work and thrive.*



## INTRODUCTION

### Project Overview

In September 2022, the City of Berkeley (“City”) engaged Municipal Resource Group (“MRG”) to provide a Roadmap to help the City become an **Employer of Choice** to support the City’s Strategic Plan goal to attract and retain a talented and diverse City government workforce. The COVID-19 pandemic continues to have myriad impacts on our community and the world—including the phenomenon known as the Great Resignation. The Great Resignation is a term used to describe a recently developed and ongoing trend of employees voluntarily leaving their places of employment.

Today, Berkeley is facing significant vacancies across the organization and is experiencing challenges recruiting and retaining employees. Jurisdictions around the country, including the City of Berkeley, need to identify and tailor new methods of recruiting, retaining and engaging employees, and to plan for future workforce development. Employers that are not adapting and advancing their organizations are at danger of losing excellent employees and being unable to retain or compete for top talent.

A team of three MRG consultants were selected for this project based on their broad experience managing public organizations at the executive level. See Appendix B for information on MRG. The goal of the project was to assess the organization’s needs and craft an actionable plan to retain and attract employees titled the “Employer of Choice Roadmap”. This Roadmap creates six thematic areas of focus with a total of forty-eight (48) initiative areas. MRG was also asked to prepare a Hybrid Best Practices Guide which will be shared with Human Resources, labor and employees through a separate process.

The City of Berkeley provides a portfolio of services to the community that is unparalleled in California for a city of its size. The quality of this broad array of services to residents, business, students and visitors is directly impacted by the ability of the City to retain and recruit talented and committed staff. Ensuring budgeted positions are filled with motivated employees is key. Fully staffing an organization that functions efficiently helps limit turnover, retain institutional knowledge and effectively implements the City’s programs and policy initiatives.

*“Berkeley is in a staffing emergency! All the great work that the Council and community is used to seeing accomplished is being profoundly impacted. The level of work is not going to be as great and the Berkeley performance will be reduced until we can stabilize and rebuild the organization.”*

*-Berkeley Employee Voice*

### WHAT SUCCESS LOOKS LIKE ...

*Once the City of Berkeley implements the Roadmap and is established as an “Employer of Choice”, the organization will:*

- ✓ *Attract and retain high performing employees, who demonstrate a commitment to the long-term success of the city organization;*
- ✓ *Secure engaged employees that feel valued and see the purpose and impact of their work;*
- ✓ *Communicate regularly within the organization to build culture and employee engagement and to the public to build awareness and*
- ✓ *Enhance investment in training, career development, safety and health of staff; and*
- ✓ *Deliver efficient administrative service functions that support employees and enhanced delivery of programs to Berkeley residents.*



## HOW WAS THE ROADMAP DEVELOPED?

MRG believes that most good ideas regarding improving customer service and organizational performance come from within the organization. The MRG team conducted meetings and focus groups with employees and department heads labor groups from all departments in addition to labor groups to identify Employer of Choice issues and strategies. Interviews and focus groups were confidential. Participants were assured that no specific quotes would be assigned to any one individual; rather, input would be integrated into general themes and recommendations. These meetings were very productive with active engagement from all participants. The City Council and community should be proud of its workforce and its employees' commitment to improve the organization.

## WHAT ARE EMPLOYEE RECRUITMENT AND RETENTION TRENDS?

Hiring and retaining high performing public agency employees in 2023 is extremely challenging especially in the hyper-competitive Bay Area job market. The "Great Resignation" of the pandemic was actually a "great re-evaluation" of work which has forever changed how we work and how we think about our careers and life. The Pulse of the American Worker Survey [Fact Sheet](#) from March 2022 states that nearly a quarter of workers (22%) have switched employers since the start of the pandemic – up from 13% in April 2021. In addition, half of workers are actively searching or are considering looking for a new job. Demographic trends, the changing dynamic of in-person vs. remote work, retirements and an increased competition from the private sector in many job classifications are key drivers. Faced with this, many public employers are struggling to retain and hire key staff for important positions. The City of Berkeley is no exception. The most comprehensive data on the challenges facing the public sector's hiring is NEOGOV's recent [report](#), "The Quiet Crisis in the Public Sector". By utilizing its GovernmentJobs.com site and its expertise as the provider of HR management solutions for the public sector, NEOGOV offers the following findings.

- ✓ **Key Drivers** -- Based on insights from public sector HR professionals, the biggest drivers for the increase in recent job openings are shown below with voluntary turnover (83%) as the largest contributor.
- ✓ **Lack of Qualified Candidates** – 79% of agencies cannot currently find qualified candidates for open positions.

**Candidates want higher pay, flexible work options, and more meaningful work, and they aren't afraid to leave for better opportunities elsewhere.**

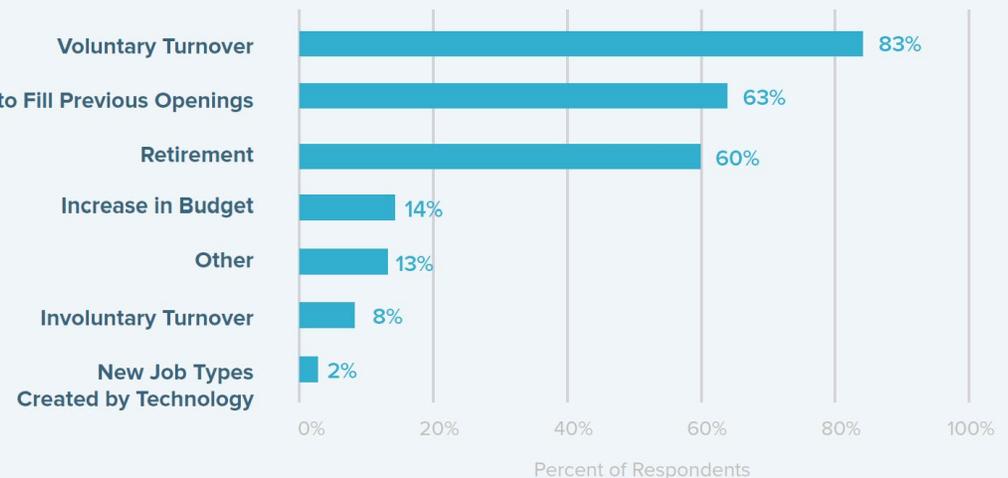
**Candidates also want clear and concise recruitment process, active communication and timeliness.**

*-NEOGOV, The Quiet Crisis in the Public Sector*

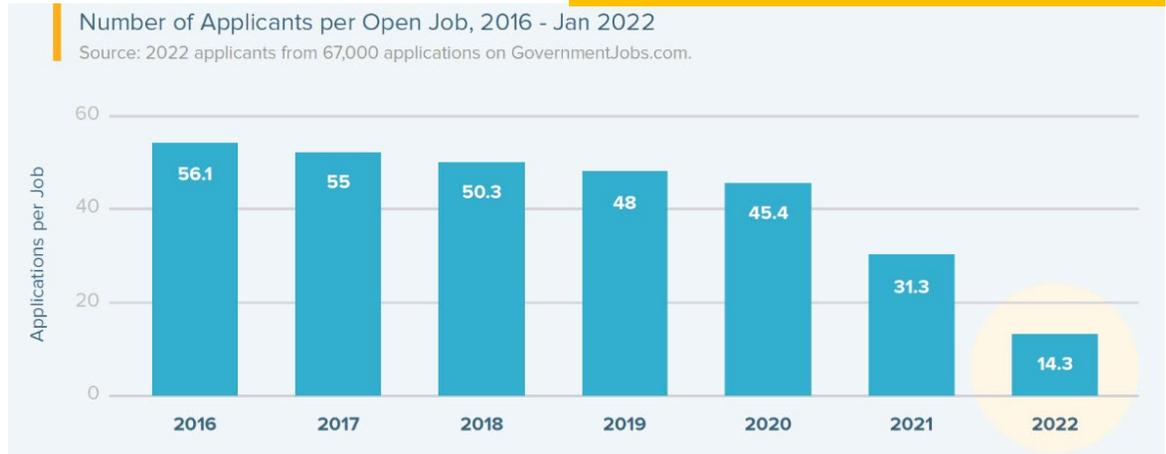
- ✓ **Lower Number of Applicants** -- The number of applicants is dramatically declining in the public sector while at the same time there are more job openings/vacancies.

**Chart #1 – NEOGOV Drivers of Job Openings**

What are the biggest drivers for the increase in recent job openings? (Select all that apply.)  
 Source: NEOGOV survey of 299 public sector HR directors.

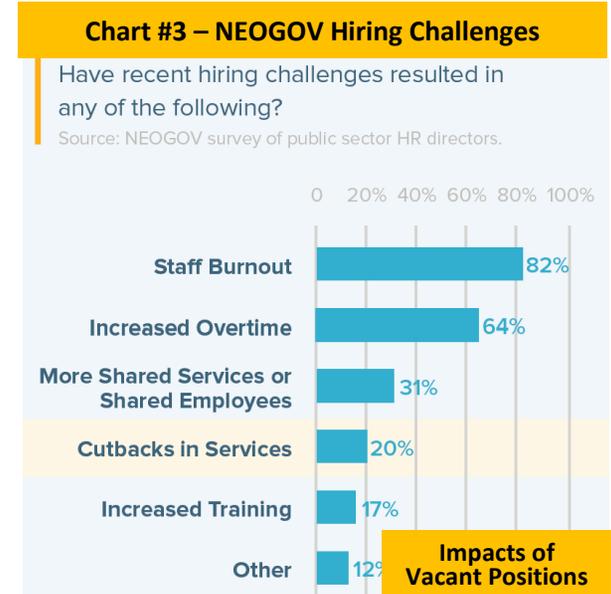


- Since 2021, there has been a 45% increase in public sector job openings. At the same time, there was a 56% decrease in applicants per job. Another way to think about this is that 50% of jobs are getting fewer than 10 applicants – which doesn't take into account that the applicants may not meet basic requirements of the job.
- This change becomes even more alarming when this trend is reviewed over the past six years. NEOGOV found that applicants per job in the public sector have decreased by 74%.



✓ **Impact of Unfilled Recruitments** – The impact of not filling positions dramatically affects the remaining workforce and public services. Chart #3 from the NEOGOV report illustrates the challenges of not being able to hire. Locally, the Berkeley City Manager presented a [Workforce Analysis](#) overview to the City Council on December 13, 2022 which outlined key causes for the national labor shortage, recruitment and workforce challenges, and impacts of vacancies on services in a number of departments. Similar to national issues, Berkeley is facing these impacts:

- Reduction in services and programs-- Increase in caseloads, reduction in service hours, reduction in programs, reduction in service quality, delays in service delivery.
- Temporary closure of facilities on certain days or during certain shifts.
- Prioritization of violent crimes over lower-priority property crimes and diminished ability for extra patrols.
- Decreased capacity to manage existing programs and projects.
- Reduction in maintenance standards and services for community amenities, parks and streets.
- Challenges meeting grant requirements and deliverables.
- Backlog of service requests, maintenance, infrastructure projects.
- Staff burnout, increased stress and frustrations; forced overtime; denial of time-off requests.



**NEOGOV Recommendations:**

To improve public sector recruitments, NEOGOV recommends the following actions:



## KEY COMPONENTS FOR EMPLOYEE RETENTION

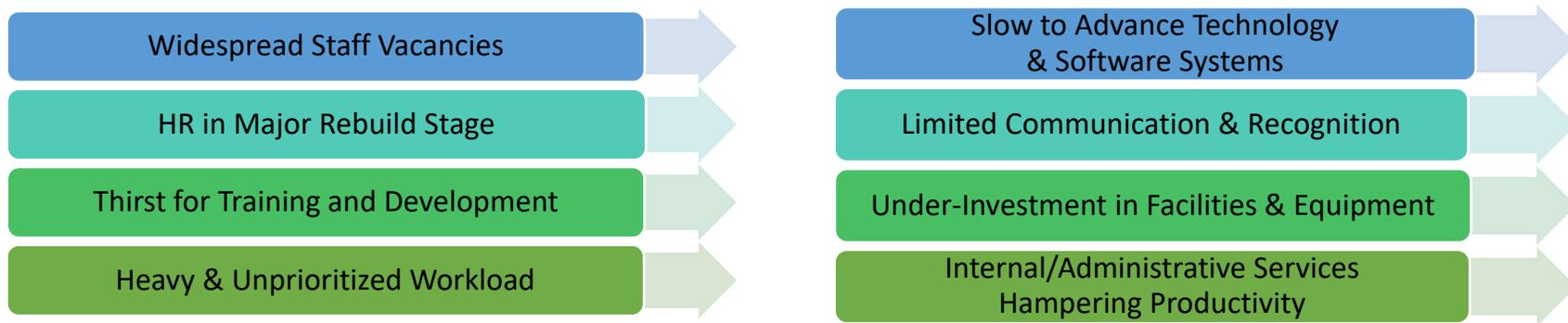
From MRG’s research and best practices, it is important to recognize that employee retention has multiple layers. Key components for employee retention include the following.

- ✓ Competitive compensation and benefits.
- ✓ Purpose and meaning in the work being performed by employees.
- ✓ Flexibility and a desire for life balance which is requiring employers to embrace alternative work schedules and remote work.
- ✓ High desire to work for organizations that are committed to growth, training, and career development in their employees – which is especially true for Millennials.
- ✓ Recognition and appreciation for work efforts and accomplishments with an overall positive organizational culture.
- ✓ Competent and capable supervisors and managers committed to good communication, teamwork and active employee engagement.
- ✓ Organizations that invest in tools, technology, and business systems that let employees complete their work with ease and effectiveness.
- ✓ Comprehensive onboarding process that helps new employees find their footing, launch into their new role, and delivers a clear vision of the organization’s values, culture and expectations.
- ✓ Prioritized and organized work that allows thorough and strategic work delivery.

When these conditions are met together as a package, the organization’s culture and organizational operations all improve and move toward optimal. The Roadmap evaluates these layers and creates a work plan for the City to retain and attract a strong, talented and agile workforce.

## KEY FINDINGS

Below are the key findings that are impacting the City’s ability to attract and retain employees. The impact of these issues results in City employees feeling tired, overworked, frustrated and underappreciated. The number one priority expressed by staff was to fill vacant positions first in order to improve customer service, reduce overtime, increase capacity, and reduce the level of work for current employees.



**KEY ROLE OF THE CITY COUNCIL IN EMPLOYEE RETENTION AND RECRUITMENT**

The City Council’s leadership is a key ingredient in the success of the Employer of Choice Roadmap. Initially, MRG sees three important roles for the City Council.

1. **Financial Support and Resources** – As outlined later in the report, the Roadmap will require one-time and ongoing financial resources for staff, tools, technology and equipment. Without secured financial support and investment, the Roadmap will not be successful. MRG recommends that the City Manager bring forward an initial list of resources for the first 90 Day Action Plan to then be supplemented with a more comprehensive multi-year budget.
2. **Compensation & Benefits** – While the Roadmap does not make specific recommendations regarding salary and benefits, compensation is critical in the recruitment and retention of employees. Appendix A outlines organization feedback that MRG received regarding compensation and benefits. A strategic assessment of the City’s compensation system ahead of labor negotiations is important.
3. **Priority Setting and Workload** -- The City’s latest Strategic Plan was created in 2017/2018 for work in FY 2018-2019 and has nine (9) long term goals. New initiatives creating workload enter the City various ways including State/Federal requirements, annual budget process, staff recommendations, and the City’s legislative and agenda process. The City of Berkeley legislative process accepts proposals from the Mayor, City Councilmembers, the Auditor, Commissions, and the City Manager. This process of direct legislation results in a high volume of agenda items, usually in the range of 850 – 950 total items annually. For legislative proposals from the Mayor and Council, there are multiple avenues through the legislative process. Items submitted for the agenda process may go directly to the full Council, or they may be referred to a policy subcommittee for review and amendment before being considered by the full Council. (There are additional City Council work items that are not captured in Chart #5 below.) As of January 2023, there are 351 Long Term Referrals and 149 Short Term Referrals.

City staff appreciates the City Council’s ideas for creative and entrepreneurial projects and initiatives to improve and serve the community, yet the volume of referrals impacts the delivery of core services to the community. New Council initiatives are regularly added and become staff’s priority. This results in City staff shifting resources to new initiatives and consequently, some prior projects are left partially completed or stalled. The high workload and shifting of priorities are impacting employee retention and project completion.

| <b>Chart #5 – CURRENT CITY COUNCIL REFERRALS (as of Jan. 2023)</b> |                  |                   |              |                  |
|--------------------------------------------------------------------|------------------|-------------------|--------------|------------------|
| <b>REFERRALS</b>                                                   | <b>Long Term</b> | <b>Short Term</b> | <b>Total</b> | <b>Total (%)</b> |
| Not Active                                                         | 162              | 13                | 175          | 35%              |
| Completed                                                          | 100              | 129               | 229          | 46%              |
| In Process                                                         | 89               | 7                 | 96           | 19%              |
| <b>Sub-Total</b>                                                   | <b>351</b>       | <b>149</b>        | <b>500</b>   | <b>100%</b>      |
| Rescinded                                                          | 51               |                   |              |                  |
| <b>TOTAL</b>                                                       | <b>402</b>       |                   |              |                  |

It is a best practice in cities to create an annual City Council approved work plan built on multi-year strategic goals with periodic opportunities for additions throughout the year. For each organization, it is a balancing act to find a process that retains the ability for individual City Council Members to bring forward ideas and initiatives, while at the same time having a procedure where the full Council defines the priorities and work of the organization. MRG understands that Agenda & Rules Policy Committee is beginning a discussion on enhancements to the City’s legislative process, including referrals. MRG supports this review of the legislative process and recommends developing a more integrated system for goal and priority setting to establish an achievable work plan for the organization.

## EMPLOYER OF CHOICE ROADMAP

### Organization of Recommendations

Becoming an Employer of Choice requires culture change and organizational development. The Employer of Choice Road Map in this document provides specific recommendations in the following themed areas (lanes) as shown in this diagram.



## IMPLEMENTATION

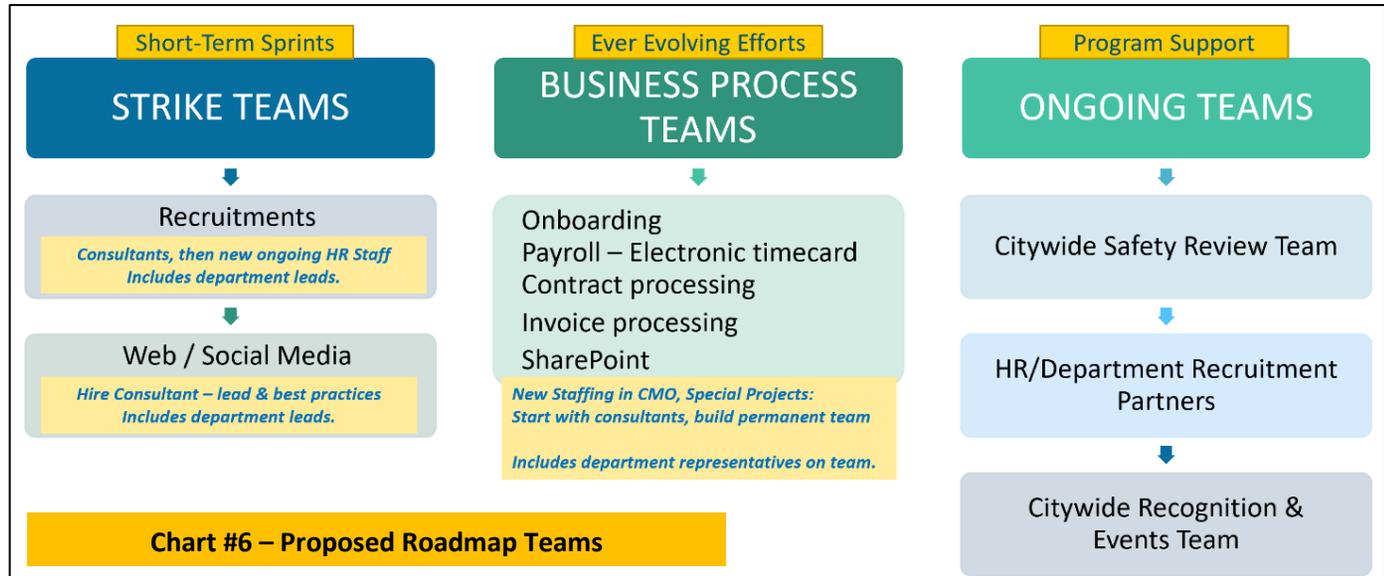
### The Need to Move Quickly

The City should implement certain changes quickly to move towards becoming an Employer of Choice. While a complete implementation of the Roadmap is estimated to take three years, immediate action and resolve is required. Quick action will demonstrate to staff and the community that the City is committed to retaining and attracting employees and enhancing community services. The following implementation methodologies are recommended:

1. **Executive Leadership & Project Champion** – This initiative crosses all departments and is foundational for how the organization will operate in the future. Committed executive leadership is required to ensure organizational change occurs and the Roadmap is implemented.
2. **Seasoned Project Manager** – The Employer of Choice Roadmap will require a seasoned manager to lead these interdepartmental efforts with the full support of the executive champion.
3. **Department Commitment** – Each Department Head needs to be committed to the Roadmap including supporting their staff to work on various project teams.
4. **1X & Ongoing Financial Resources** – New investments in the organization for staff, consultants, technology, equipment, supplies, etc. are all required to implement the Roadmap. The funding needs should be identified and set aside for upcoming three years to ensure this organizational effort has the resources to complete its projected outcomes.
5. **Rolling 90-Day Action Plans** – Large organizational initiatives like this often get stalled over time by the size of the recommendations and overall projected work. From the time the Roadmap is accepted by the City Council, it will take the City staff a few months to organize the implementation of the full Roadmap. By taking strategic and targeted 90-day Action Plans, Berkeley can weave this project in with other city priorities and ensure solutions move forward with proactive results. After a relatively short start-up period (no more than 60 days), the first 90-Day Action Plan should be created, launched and communicated to the organization.

6. **Transparency & Reporting Out** – Communication, reports, and current dashboards should be created. Celebrations of successes and recognition internally and externally is critical for maintaining momentum and honoring the work.
7. **Empowered Teams** – Many of the recommendations in the Roadmap require City staff from different departments or work units to collaborate, analyze, and execute phases of implementation. New ways of working and an investment in “strike teams” and “business process teams” will require new staffing and some consultant assistance. MRG recommends three different types of “teams” as shown in Chart #6.

8. **Prioritization** – There are 48 individual recommendations outlined in the Roadmap. While all are important, there are three key areas for initial focus and priority investment.



- **Invest in HR / Fill Vacancies** – Invest in staffing and consultant support to bring immediate additional resources to HR, streamline processes, work with line departments as business partners, leverage software and technology, and activate social media tools in recruitments.
- **Launch Communication** – Jump start internal communication from the City Manager’s Office and departments to employees, including open access to the website and social media for active use by departments in their community information and engagement efforts.
- **Elevate & Update Internal Systems** – Create Strike Teams and Business Process Teams to review and revamp internal and administrative systems for greater efficiency and effectiveness.

*Implementation of these recommendations will require City Council support, executive leadership, staff resolve and significant changed behaviors. There is a lot to do. The City has the talent and resources to do it!*

# CITY OF BERKELEY -- Employer of Choice Roadmap

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| <b>1</b> Recruiting for Talent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>2</b> Retaining Our Employees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>3</b> Culture, Communication & Employee Engagement                                                                                                                                                                                                                                                                                                                                                                           | <b>4</b> Training & Professional Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>5</b> Health, Safety & Wellness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>6</b> Elevate Internal Processes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Staffing &amp; HR Role</b></p> <ul style="list-style-type: none"> <li>1.1 Invest in Human Resources Department (HR) Staffing Levels</li> <li>1.2 Streamline Recruitment Process – Strike Team</li> <li>1.3 Act as Business Partners with Departments</li> </ul> <p><b>Marketing &amp; Branding</b></p> <ul style="list-style-type: none"> <li>1.4 Create Recruitment Brand &amp; Marketing Strategy</li> <li>1.5 Upgrade Jobs/Career Web Presence</li> <li>1.6 Utilize Social Media</li> <li>1.7 Hire Graphic Design &amp; Social Media Expertise</li> <li>1.8 Referral Bonus for Current Employees</li> </ul> <p><b>HR Systems &amp; Data</b></p> <ul style="list-style-type: none"> <li>1.9 Resources &amp; Tools on Day 1</li> <li>1.10 HR Performance Metrics &amp; Reporting</li> <li>1.11 Workforce Analysis Report</li> <li>1.12 Training &amp; User Guides For ERMA &amp; NEOGOV</li> <li>1.13 Update Key Job Classifications</li> </ul> | <p><b>HR Systems</b></p> <ul style="list-style-type: none"> <li>2.1 Overhaul Onboarding Program</li> <li>2.2 Reform Eligibility List Process</li> <li>2.3 Continue to Improve HR Communications (<i>Berkeley Matters</i>)</li> <li>2.4 Performance Evaluation and Feedback</li> <li>2.5 Upgrade Exit Interview Process</li> </ul> <p><b>Recognition &amp; Appreciation</b></p> <ul style="list-style-type: none"> <li>2.6 Create a Comprehensive City Recognition Program</li> <li>2.7 Restart Longevity Awards Program</li> </ul> <p><b>Organizational Priority Setting &amp; Workload</b></p> <ul style="list-style-type: none"> <li>2.8 Focus Priorities &amp; Initiatives by City Council</li> </ul> | <p><b>Communication</b></p> <ul style="list-style-type: none"> <li>3.1 Invest in Internal Communication</li> <li>3.2 Foster Cross Department Collaboration</li> <li>3.3 Open Department Access to Website and Social Media Use</li> </ul> <p><b>Team Building &amp; Culture</b></p> <ul style="list-style-type: none"> <li>3.4 Invest in Cross Department Relationship Building</li> <li>3.5 Link to new DEI Program</li> </ul> | <p><b>Training Strategy &amp; Program</b></p> <ul style="list-style-type: none"> <li>4.1 Develop Training Strategy &amp; Plan for Learning Culture</li> <li>4.2 Invest in Learning Academies &amp; Specialized Training</li> <li>4.3 Invest in Coaching</li> <li>4.4 Invest in Learning Management Software</li> <li>4.5 Invest in Technology Training</li> <li>4.6 Develop Hybrid Management Training</li> </ul> <p><b>Systems &amp; Financial Support</b></p> <ul style="list-style-type: none"> <li>4.7 Use Credit Cards to Ease Training Procurement</li> <li>4.8 Upgrade Financial Support for Training &amp; Education</li> </ul> | <p><b>Employee Health</b></p> <ul style="list-style-type: none"> <li>5.1 Clear &amp; Consistent COVID Safety Protocols &amp; Practices</li> <li>5.2 Invest in Mental &amp; Physical Health Services for Employees</li> </ul> <p><b>Employee Safety</b></p> <ul style="list-style-type: none"> <li>5.3 Create a Citywide Safety Team</li> <li>5.4 De-escalation and High Conflict Training</li> </ul> <p><b>Work Schedules &amp; Flexibility</b></p> <ul style="list-style-type: none"> <li>5.5 Explore Expanding Alternative Work Schedules</li> <li>5.6 Formalize Hybrid Work Program</li> </ul> <p><b>Facilities &amp; Equipment</b></p> <ul style="list-style-type: none"> <li>5.7 Adequately Fund Capital Improvement Program &amp; Replacement Reserves</li> <li>5.8 Prioritize Investments in Buildings, Vehicles &amp; Equipment</li> </ul> | <p><b>Structure &amp; Programs</b></p> <ul style="list-style-type: none"> <li>6.1 Restructure Reporting of Administrative Services (HR, IT, Finance, Contracts) to One Deputy City Manager</li> <li>6.2 Elevate Importance of Service-Oriented Administrative Services &amp; Customer Connectivity</li> <li>6.3 Create an Innovation Program</li> </ul> <p><b>Business Improvements</b></p> <ul style="list-style-type: none"> <li>6.4 Empower Strike Teams / Interdepartmental Work Groups</li> <li>6.5 Provide Training on Common Administrative Practices &amp; Procedures</li> <li>6.6 Maximize Intranet as an Employee Resource</li> <li>6.7 Implement Business Practice Improvements in Finance, Information Technology, Payroll, HR and Contracts</li> </ul> |

## 1.0 - RECRUITING FOR TALENT

Recruiting for employees requires proactive marketing/branding and the development of a talent pipeline. Strong recruitment operations regularly build their employer’s brand, treat candidates as customers/future employees throughout the process, and have streamlined systems that work in partnership with line departments. At this time, for Berkeley, **the single most important action is to fill vacant positions** throughout the organization. Filling budgeted, vacant positions will demonstrate a commitment to existing employees resulting in rebalanced workloads and reduction in stress over time. Community services will be enhanced by a more fully staffed organization able to attract the highest quality talent possible.

Enhanced HR staffing and full utilization of modernized recruitment tools are critical to improve recruitments. By actively deploying social media sites in the recruitment process and creating a hiring campaign, an overall intentional and aligned marketing program can be launched. The first day and first few months of an employee’s time as an employee set the stage for their overall satisfaction and retention.

### Staffing & HR Role

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| 1.1 | Invest In Human Resources Department (HR) Staffing Levels | <p>Immediately expand authorized HR staffing in key functions:</p> <ul style="list-style-type: none"> <li>▪ Recruitment operations (initially 3 additional FTE)</li> <li>▪ Labor Relations &amp; Training (initially up to 3 additional FTE)</li> </ul> <p>Continue to use consultant resources on a short-term basis as needed to augment staff resources until additional HR staff can be hired.</p> <p>Direct City Manager and HR Director to bring forward recommendations for right sized staffing of Human Resources Department in AAO and FY 2023/24 Proposed Budget.</p> |
| 1.2 | Streamline Recruitment Process – Strike Team              | <p>Create a small and agile Recruitment Strike Team comprised of HR, labor representatives and department staff that meets for four months. Issues to solve:</p> <ul style="list-style-type: none"> <li>▪ Use department ideas on how to improve recruitment process and practices; Establish responsibility checklist - Department and HR roles in new recruitments; and</li> <li>▪ Authorize initiation of recruitments ahead of actual vacancies.</li> </ul>                                                                                                                  |
| 1.3 | Act as Business Partners with Departments                 | <p>Reposition HR recruitment staff as business partners with departments. Reinstigate assignment of individual HR staff to work with each department’s designated point of contact. Two-person team should discuss and agree on responsibilities for:</p> <ul style="list-style-type: none"> <li>▪ Outreach plan for each recruitment including overall timeline and assigned responsibilities;</li> <li>▪ Review of minimum qualifications; and,</li> <li>▪ Interview and examination process.</li> </ul>                                                                       |

### Marketing & Branding

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| 1.4 | Create Recruitment Brand & Marketing Strategy | <p>Develop a clear brand for the City of Berkeley’s recruitment efforts. “Recruitment Brand” should communicate Berkeley’s values, work culture, opportunities, and strengths as an organization. Create clear and consistent messages in all recruitments to denote Berkeley as an Employer of Choice including:</p> <ul style="list-style-type: none"> <li>▪ Color, information, style, graphics;</li> </ul> |
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|     |                                              | <ul style="list-style-type: none"> <li>▪ Modern design and formatting for consistent look and feel for recruitment brochures and flyers;</li> <li>▪ Compelling description of Berkeley as world class City including descriptions of the organization and departments;</li> <li>▪ Clear, compelling and articulated description of the role of the position being recruited including key upcoming opportunities and projects (this is not just language from the job description).</li> <li>▪ Create a marketing program to highlight Berkeley’s hiring efforts (e.g., add branded hiring tag lines to employee’s email signatures, purchase advertising on buses, banners and other visual, high impact locations).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1.5 | Upgrade Jobs/Career Web Presence             | <p>Upgrade the current Human Resources web site with a consistent “Recruitment Brand” Job Opportunities launch page. Create a launch page with more information and context regarding working for the City of Berkeley and then direct candidates to the NEOGOV site. The following agencies can be used as examples:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">City of Roseville</a> – Strong primary “Job Opportunities” page with visuals, video, employee profile, approachable and culture themed message from the City Manager, helpful tips for applying. <a href="#">[Link]</a></li> <li>▪ <a href="#">City of Palo Alto</a> – First job page links to “Careers with the City of Palo Alto” with information about the community, city team, benefits, leave, remote and flexible work, commuter programs, wellness &amp; counseling services. <a href="#">[Link]</a></li> </ul> <p>Support departments to create their own dedicated recruitment and career web pages or website within the parameters of the City’s “Recruitment Brand”. Particularly important for police and fire where this is a standard approach among agencies competing for talent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 1.6 | Utilize Social Media                         | <p>Modernize, expand and decentralize the City’s approach to social media.</p> <p>Create LinkedIn, Instagram and Facebook pages and use City’s Twitter account for recruitment marketing.</p> <p>Allow departments to create and deploy targeted recruitment outreach and marketing efforts. Ensure department efforts align with City “Recruitment Brand”, but provide more specialized department information. Department program initiatives, accomplishments, videos, employee profiles and operational updates should be marketed via social media.</p> <p>Additional information and recommendations for outreach and social media include:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">Leverage NEOGOV</a> -- NEOGOV offers external advertising on other internet sites from selected partners, which can be purchased via Insight as needed by utilizing the “Advertise Job” link on the Insight Dashboard. Target use of Recruitics, Glassdoor and other sites depending on specific position.</li> <li>▪ <a href="#">CareersinGovernment.com</a> – With a nominal annual agreement, the City can publish all recruitments listings on CareersinGovernment.com which then pushes the recruitment through to their social media partners (LinkedIn, Instagram, Facebook and Twitter).</li> <li>▪ <a href="#">Use #Hashtags</a> – Include hashtags on the job posting. Web crawlers will find the hashtag, so an agencies’ job posting will appear in searches initiated by job seekers. Example hashtag inserted at the bottom of a recent job announcement: #Engineer, #PublicWorks, #Transportation.</li> </ul> |
| 1.7 | Hire Graphic Design & Social Media Expertise | <p>Add funding for graphic artist and social media expertise in HR budget. Funding would be used to enhance:</p> <ul style="list-style-type: none"> <li>▪ Marketing (Presentation of City to prospective applicants).</li> <li>▪ Advertising (Targeted outreach for individual job openings).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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| 1.8 | Referral Bonus for Current Employees | <p>Develop an employee referral bonus program.</p> <p>Provide \$1,000 referral bonus for current employees who help attract a new employee.</p> <p>Examples of other agencies with employee referral bonus programs include: UC Berkeley, San Mateo County, City of Torrance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.9 | Local Outreach & Targeted Programs   | <p>Develop additional Community Technical Education (CTE) pathway programs in collaboration with the Berkeley Unified School District (BUSD) that begin to expose students and prepare them for good paying, benefited careers within the City. Support CTE pathways with a variety of volunteer and paid internships, explorer programs and other opportunities to develop these potential future employees of the City.</p> <p>Develop robust internship program with UC Berkeley to bring on students into a variety of local government positions. Create a program that results in an annual “graduating” class of 10-15 interns across the organization who can be streamlined into the application process.</p> |

**HR Systems & Data**

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| 1.9  | Resources & Tools Ready on Day 1   | <p>Provide new employees with the tools, equipment, and workspace ready for them to begin work on their first day of employment. Create on-line checklist for workspace readiness with department responsibilities outlined.</p> <p>Document roles of HR and Information Technology Department to ensure new employees have computer, login access, phone and any other necessary equipment ready to go on Day 1.</p> <p>Document roles of Public Works maintenance staff and the hiring Department to ensure a clean fully equipped workspace is available upon arrival.</p> <p>Deliver welcome letter from City Manager/Department Head and/or scheduling meet and greet on new employees first day of work.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.10 | HR Performance Metrics & Reporting | <p>Once HR staffing is stabilized, update and further develop department performance metrics, procedures for accurate data collections, and a high-level dashboard for monthly reporting to City Manager and Department Heads.</p> <p>Information to include the following minimum data:</p> <ul style="list-style-type: none"> <li>▪ Current vacancies by department,</li> <li>▪ Resignations by month by department including reasons for employee’s departure,</li> <li>▪ Number of active recruitments in process,</li> <li>▪ Time to hire from department request for recruitment to hiring,</li> <li>▪ Number of candidates for positions sorted by meeting MQs and not meeting MQs, and</li> <li>▪ Number and why candidates decline Berkeley job offer.</li> </ul> <p>Once Recruitment Backlog is Eliminated – Establish the following performance metrics for time it takes to fill positions:</p> <ul style="list-style-type: none"> <li>▪ From budget authority/vacancy to job posting (30 days).</li> <li>▪ Filling positions from Day 0 (the time from budget authority/vacancy) to Day 45 (Job posting) to Day 100 (First day of work for new employee). Different metrics will be required for specialty recruitments (i.e. Police Officers).</li> <li>▪ Target vacancy rate of 5% of all budgeted positions in the organization.</li> </ul> |

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|      |                                          | Produce a vacancy report card with recruitment, hiring and current vacancy information and post on-line every three months beginning on 7/1/23.                                                                                                                                                                                 |
|      | Workforce Analysis Report - Annual       | Build data and systems in order to create an annual Workforce Analysis Report for annual reporting to departments and the City Council. It will take a number of years before HR is positioned to prepare this document as they building capacity, systems and data. See example from San Mateo County <a href="#">[Link]</a> . |
| 1.11 | Training & User Guides for ERMA & NEOGOV | Enhance training and user guides for ERMA, City’s financial and HRIS system, and NEOGOV, the City’s recruitment and applicant tracking software.<br><br>Provide target deployment dates for full deployment of system capabilities to increase efficiencies and reduce staff workload.                                          |
| 1.12 | Update Key Job Classifications           | Create and maintain (in collaboration with department reps and labor) targeted list of key job classifications to be reviewed and updated with target timeframes.<br><br>Prioritize hard to fill positions (e.g. Information Technology classifications) that provide essential internal administrative services.               |

## 2.0 - RETAINING OUR EMPLOYEES

*The impact of employee turnover is high – for the organization, community and employee – those that leave and more so for those that remain. There are eight key benefits to having programs and a clear strategy to retain employees: (1) reduced costs, (2) improved morale, (3) retained experienced employees, (4) efficacy in recruitment and training, (5) increased productivity, (6) elevated customer experience, (7) improved culture, and (8) improved employee satisfaction. It is more efficient to retain a quality employee than to recruit, train and orient a replacement employee of the same quality.*

*A comprehensive employee retention program can play a vital role in both attracting and retaining key employees, as well as in reducing turnover and its related costs. Retaining employees starts during the onboarding and socialization process to the organization. Recognition, appreciation, and employee engagement are central to building culture and having employees feel seen, heard, and valued. Employees also want to feel productive and see that their work is valued and impactful. A balanced workload with clear priorities allows employees to complete initiatives/tasks with pride and to align their accomplishments with the organization’s overall strategic priorities.*

*From MRG’s interviews and focus groups, there is significant work necessary by the City in this area.*

### HR Systems

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| 2.1 | Overhaul Onboarding Program | <p>Recreate HR Onboarding Program for new employees to include the following elements:</p> <ul style="list-style-type: none"> <li>▪ Brand the Onboarding Program with a unique title and tag line. [Example – BERKELEY ONBOARD, “Welcome to Our Team”]</li> <li>▪ Overview and training on City internal services processes and software (e.g. agenda, timesheets, travel reimbursements, communication, NEOGOV, ERMA, Microsoft Teams, contracts, invoices, etc.).</li> <li>▪ Meet the City Manager and respective Department Head for welcome, expectations and culture briefing.</li> <li>▪ Tour City facilities to connect the new employee to the broader organization’s efforts and locations.</li> <li>▪ Schedule mandatory training requirements needed during the first 6 months of employment.</li> <li>▪ Create separate orientation for first line supervisors and management in terms of their role, resources and processes for supervision and management duties.</li> <li>▪ Invest in personal touches such as welcome cards, coffee mug or other small treats to help welcome the new employee.</li> <li>▪ Assign a peer employee “buddy” within the hiring department to each new hire. This staffer is available to answer questions, explain culture and practices that may not be in rules and serve as a mentor for the first 3-6 months of employment.</li> </ul> <p>Use NEOGOV module to maximize use of on-line information for HR program.</p> <p>Gather feedback via a survey to all new employees after the 6-month orientation to gain feedback on how to continue to improve the Onboarding Program.</p> <p>Develop template for all Departments to create their own Department Onboarding Program, modeled off successful department programs currently in place.</p> <p>See sample Onboarding site <a href="#">[Link]</a>.</p> |
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| 2.2                                   | Reform Eligibility List Process                                   | Establish a Labor / HR working group to develop modifications to the Eligibility List process by 9/1/23.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2.3                                   | Continue to Improve HR Communications ( <i>Berkeley Matters</i> ) | <p>Major improvements to <i>Berkeley Matters</i> (HR’s E-Newsletter and Job Opportunities Internal Promotion Listings) were completed in December 2022 with streamlining of relevant information, enhanced graphics, and weekly publishing of recruitment/promotional lists.</p> <p>Continue to refocus and upgrade <i>Berkeley Matters</i> and develop other HR communications to all employees.</p> <p>Ensure easy access for all employees whether office or field staff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.4                                   | Performance Evaluation and Feedback                               | <p>Implement comprehensive review and update for the City’s performance management system including all evaluation forms. Review length of documents, timing, and inclusion of career development and training plans as a component. Ensure that all employees receive regular feedback and accountability.</p> <p>Support regular communication and coaching by management with increased training and support.</p> <p>Develop and implement a standard “stay interview” processes with current employees to ascertain specific needs and desires to maintain their employment with the City.</p> <p>Explore a 360-evaluation system for supervisors and managers to receive feedback from employees.</p> <p>Use Gallup employee survey tool as a means to gain feedback from employees regarding the performance of supervisors and managers.</p>                                                                                                          |
| 2.5                                   | Upgrade Exit Interview Process                                    | <p>Develop clear and robust exit interview process with confidential survey and 1x1 phone/in-person interview.</p> <p>Produce annual citywide and department report with summary information regarding reasons for employee departures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Recognition &amp; Appreciation</b> |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 2.6                                   | Create a Comprehensive City Recognition Program                   | <p>Create an inter-departmental team to enhance the City’s Recognition Program. Consider the following ideas:</p> <ul style="list-style-type: none"> <li>▪ Annual employee recognition event.</li> <li>▪ Employee award programs are important tools to show appreciation and celebrate excellence and the way employees demonstrate the organization’s values. There are many samples of general employee award programs. Some organizations have an “Employee of the Quarter” program to recognize high performing employees that embody the values of the City’s and demonstrate their good work and talents.</li> <li>▪ Flexible and immediate recognition program where managers can recognize employee’s efforts with cards, notes and gift cards.</li> <li>▪ Program where employees can also show appreciation to their colleagues.</li> <li>▪ Ways to award extra hard work or key accomplishments of staff such as performance bonuses.</li> </ul> |
| 2.7                                   | Restart Longevity Awards Program                                  | <p>Reinstitute and revitalize a recognition program to honor employees at key benchmarks (every 5 years of service) for their length of service. Consider the following components:</p> <ul style="list-style-type: none"> <li>▪ Include employee’s names and years of service at 5-year benchmarks in a report to the City Council that is distributed to all employees.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|  |  | <ul style="list-style-type: none"> <li>▪ Hold quarterly recognition event sponsored by the City Manager’s Office with attendance by Department Heads. Employees would receive a certificate or other form of recognition and their supervisor/Department Head would talk about the employee’s work and accomplishments.</li> <li>▪ Review and upgrade recognition gifts for employees. Employees with 20, 25 and more years of service should receive special recognition.</li> <li>▪ Provide 5-year pins for employees to add to their lanyards or display in other ways.</li> <li>▪ Explore opportunity for leave cash-out at key service increments as a way to provide additional monetary compensation.</li> </ul> |
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**Organization Priority Setting and Workload**

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| 2.8 | Focus Priorities & Initiatives by City Council | Review and redesign the legislative process to ensure Council priorities are accomplished while balancing the capacity of the organization. An updated legislative process needs to ensure Council initiatives are accomplished within a framework of enhanced planning and priority setting to allow the organization to better budget, deploy resources and align implementation. |
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### 3.0 - CULTURE, COMMUNICATION & EMPLOYEE ENGAGEMENT

Authentic communication is the connectivity fuel needed to build trust, culture, and relationships. An organization requires strong relationships and people that know and respect each other to deliver excellence with efficiency and effectiveness. With good communication, managers can gain understanding and commitment from employees, achieve organizational goals and develop rapport with the people on their team. High performing organizations have various ways that employees can voice their ideas and concerns while being engaged in helping improve the organization.

Communication externally is also critical to building relationships and trust with the community. City departments need to be able to communicate with greater agility and timeliness with the public. While transactional information is important to the public, the City also needs to tell its own story of its work – to communicate the “why” and the “what”. In today’s world, the public is used to watching videos, reading blogs, and watching podcasts. A City’s external communication tools need to allow for creativity and voices by departments.

#### Communication

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| 3.1 | Invest in Internal Communication                     | <p>The following actions are recommended:</p> <ul style="list-style-type: none"> <li>▪ <u>City Manager Monthly E-Newsletter</u> -- Develop and deliver a monthly newsletter to all employees from the City Manager with updates on key City projects, highlights of key accomplishments, recognition of employees, and other items. A focus would include building the City’s culture around values and mission. Ensure newsletter is delivered in a timely manner to staff without regular access to computers or email in the course of their daily work. This initial work can likely be absorbed initially within the City Manager’s Office, but over time will require additional staffing resources focused on employee engagement and support.</li> <li>▪ <u>Department Communication</u> – Provide email update and other communication to all department employees at least monthly. Department heads should also conduct in person meetings with each division no less than two times per year and hold an in person all department meeting no less than two times per year. Build in time for information sharing, department strategic updates and relationship building in these meetings.</li> <li>▪ <u>Management Team Meetings</u> – Facilitate mid-managers half day in person meeting with Senior Executive Team (SET) + division managers three times per year. Purpose is strategic planning, training, special initiatives, and cross-department relationship building.</li> </ul> |
| 3.2 | Foster Cross Department Collaboration                | <p>Facilitate events in which staff from different departments interact and understand other dept. priorities (e.g., three times per year Senior Executive Team + mid-manager meeting).</p> <p>Utilize cross-department task forces to gain employee input on ideas and projects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3.3 | Open Department Access to Website & Social Media Use | <p>Create parameters for outgoing content and authorize designated contacts in City Departments to communicate via social media and email.</p> <p>Allow designated department staff to add content to their department web pages and issue press releases.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|                                    |                                                  | Hire an expert public agency public information consultant to quickly develop a game plan and work with departments and Public Information to allow more access and flexibility with the City’s website and social media within standards that can be operationalized.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Team Building &amp; Culture</b> |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3.4                                | Invest in Cross Department Relationship Building | <p>Create a team of staff from different levels and different departments to create events, fun and activities. Ideas:</p> <ul style="list-style-type: none"> <li>▪ <u>Reimagine Department Open Houses</u> -- Create rotating Open House where each department would host a gathering time and sharing about their department with the rest of the City staff.</li> <li>▪ <u>Potlucks, Coffees &amp; Ice Cream Socials</u> – Hold monthly or quarterly coffees, potlucks or ice cream socials to bring people together with some fun activities both within departments and across departments. Provide some city funding for these activities.</li> <li>▪ <u>“Volunteering” for Community Improvement Projects</u> – Support staff to volunteers to join teams (department and inter-departmental) on important community activities such as cleaning a community garden, working on a Habitat for Humanity project, or doing a project for a local school or non-profit. Employees would be paid for the time and allowed to use 1-2 works days per year for these community activities. This type of program connects employees together and also connects employees to the community in ways that they may not be able to in their day-to-day public service.</li> </ul> |
| 3.5                                | Link to New DEI Program                          | <p>The City is hiring a dedicated DEI Coordinator. For the first 90 days, the newly appointed DEI Coordinator will be to reviewing Berkeley’s current status and needs with an eye towards best practices to create a DEI Work Plan.</p> <p>While many DEI efforts may be focused around hiring and promotion, consider investments in how the City organization can be culturally inclusive including training, communication, learning and collaboration.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## 4.0 - TRAINING & PROFESSIONAL DEVELOPMENT

*New and future employees are looking for organizations that will invest and support their growth and career development. Employees were clear in their desire for more growth and development opportunities – formally and informally. Providing various forms of professional development will build loyalty to the organization and develop employee’s individual talents to support internal advancement. A well-trained workforce supports innovation and a higher level of customer service to the community, plus employees have the opportunity to grow and progress within the organization as they promote.*

### Training Strategy & Programs

|     |                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 | Develop Training Strategy & Plan for Learning Culture | <p>Invest in a learning culture and professional development for all employees as a key driver for employee retention. Review training program and determine which training should be done in-house and what to outsource or send employees to external training. Develop an initial Training and Professional Development Strategy for the City. Consider the following elements:</p> <ul style="list-style-type: none"> <li>▪ Utilize NEOGOV for monitoring and mandatory training.</li> <li>▪ Provide training opportunities for all level of employees.</li> <li>▪ Develop and deploy an annual survey for employees to gain ideas for the types of training and areas of interest.</li> <li>▪ Incorporate training discussion into regular 1:1 supervisor/employee meetings and annual performance reviews.</li> <li>▪ Include and track required department training on shared tracking department file (e.g., SharePoint) in common format across organization.</li> </ul> <p>Establish standards for training (e.g. # hours per employee per year).</p> <p>Ensure sufficient department training budgets are developed and discussed with the City Manager's Office in the preparation of the City's annual budget and line item allocations are included in proposed budgets.</p>                                                                |
| 4.2 | Invest In Learning Academies & Specialized Training   | <p>Employees and management across the organization see the need for modern, effective and strategic investments in training and professional development.</p> <p><u>Employee Academies</u> -- Implement the following Employee Academies robust learning programs:</p> <ul style="list-style-type: none"> <li>▪ Academy for Managers</li> <li>▪ Supervisory Academy for First Line supervisors</li> <li>▪ Seasoned Supervisors Academy for supervisors who want or need a refresher course in managing employees and/or updates and new information that needs to be communicated to sitting supervisors.</li> <li>▪ Skilled Worker Academy -- The City has just launched its first Skilled Worker Academy. After its beta year, a thorough evaluation should occur for continued refinement.</li> <li>▪ Administrative Assistant Academy</li> <li>▪ Analytical &amp; Project Management Academy</li> </ul> <p><u>Employee Relations Training</u> – The City is a member of an Employer Relations Consortium comprised of a number of local public agencies in the Bay Area. The Consortium and services are provided by Liebert Cassidy Whitmore. To fully take advantage of this resource:</p> <ul style="list-style-type: none"> <li>▪ Create a curriculum of courses to be taken by a First-time Supervisors and Managers over 2-3 years.</li> </ul> |

|                                        |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                        |                                                    | <ul style="list-style-type: none"> <li>Require all supervisors and managers to take a minimum of two courses per year. Recognize this learning and investment with the City’s own certificate programs using LCW curriculum.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.3                                    | Invest in Coaching                                 | Develop internal (trained HR staff) and/or external (consultant) resources with management coaching experience and make coaches available to managers. Coaching can be done individually or in groups. Provide specialized training for public safety supervisors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4.4                                    | Invest in Learning Management Software             | Implement learning management system software (e.g. NEOGOV Learn) for the administration, documentation, tracking, reporting, automation, and delivery of educational courses, training programs, materials or learning and development programs across the organization.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4.5                                    | Invest In Technology Training                      | Specialized training in the areas of software and technology is needed throughout the organization including Microsoft Office and other software systems. Encourage departments to authorize on site, off site or on-line training to maximize staff proficiency in relevant technology. Utilize assessment tools to help employees understand their current competency and which technology classes to take to learn and grow.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.6                                    | Develop Hybrid Management Training                 | Develop specialized training for supervisors and managers to augment skills and approaches for managing in a hybrid work environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Systems &amp; Financial Support</b> |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.7                                    | Use Credit Cards to Ease Training Procurement      | Assign credit cards to management employees and supervisors for various expenditures including signing up for training and any associated travel costs. This will expedite current 4-8 week turnaround on check requests for training.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.8                                    | Upgrade Financial Support for Training & Education | <p>Implement the following programs to support enhanced staff skills and customer service:</p> <ul style="list-style-type: none"> <li><u>Tuition Reimbursement</u> -- Review existing protocols for tuition reimbursement for greater flexibility and ease of approval. Explore creating financial consistency across all labor groups.</li> <li><u>Professional Association Memberships</u> – Authorize and create consistency across the organization for City payment of membership in professional associations to take advantage of training and best practices resources. Municipal professional associations include organizations such as American Planning Association, Municipal Management Assistants of Northern California, California Code Enforcement Association, etc. Develop list of authorized City sponsored memberships that are affiliated with position duties and include funding for memberships in department budgets.</li> <li><u>Conferences</u> – Support attendance at professional conferences. Many professional associations hold annual conferences with extensive training and learning opportunities.</li> </ul> <p>Broaden the organization’s philosophy regarding the City’s sponsorship (financial and time) of employee professional development to support general training and educational advancement even if the subject is not directly related to current work or classification. Align with individual professional goals and career advancement.</p> |

## 5.0 - HEALTH, SAFETY & WELLNESS

*In today's world, employers need to ensure their workforce is – and feels – safe. Employers need to strengthen their safety cultures like never before plus include a broader view of health and wellness. COVID has stretched organizations to breaking points as we learned and adjusted to a worldwide pandemic. Increasing violence and reductions in civility put employees in difficult circumstances. Without proper investment and maintenance, our facilities are tired and lacking in many features. Wellness today includes physical and mental health, plus opportunities for flexibility and life balance including hybrid and alternative work schedules. Investing in and caring for the health, safety and wellness of employees is a critical element for employee retention.*

### Employee Health

|     |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 | Clear & Consistent COVID Safety Protocols & Practices     | <p>Clarify vaccination and masking requirements across organization and communicate current policy to all employees.</p> <p>Send monthly updates regarding the policy, even if it has not changed since the previous month.</p> <p>Ensure safety requirements across the organization and within departments are clear, up to date and reviewed with all employees on a regular basis. Include current status on COVID safety protocols and practices on enhanced Intranet site or post in locations visible to field employees.</p>                                                                                                                                                                                                              |
| 5.2 | Invest in Mental & Physical Health Services for Employees | <p>Explore current and potential mental and physical health services for employees. Review internal programs for areas to expand and mirror (Berkeley Fire has a strong peer counseling internal program; Berkeley Police has a strong fitness program). Research best practices of other public agencies regarding strong mental and physical health programs and services.</p> <p>Review resources available with all employees on a regular basis.</p> <p>Develop programs and activities to support physical health (e.g. ergonomic, lunch walk programs, gym membership partial reimbursements).</p> <p>Explore fun ways to incorporate healthy activities into training, culture and internal community-building events and activities.</p> |

### Employee Safety

|     |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 5.3 | Create a Citywide Safety Team            | <p>Create a multi-disciplinary, multi-department Citywide Safety Review Team:</p> <ul style="list-style-type: none"> <li>▪ Assess and review workplace safety or potentially threatening situations that employees might be facing.</li> <li>▪ Bring forward recommendations for training, building changes, and other suggestions to improve the safety of staff and customers. Create system for employee input and feedback.</li> <li>▪ Review accidents and provide recommendations to implement additional safety measures as needed.</li> </ul> |
| 5.4 | De-Escalation And High Conflict Training | <p>Provide training and tools to prioritize employee safety and deescalate work with high conflict individuals in order to improve safety for employees and the public.</p>                                                                                                                                                                                                                                                                                                                                                                           |

### Work Schedules & Flexibility

|     |                                              |                                                                                                                                                                                                                                                                              |
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| 5.5 | Explore Expanding Alternative Work Schedules | <p>Review and update the City's policies and practices regarding alternative work schedules as a means to providing more employee work flexibility while ensuring service delivery to customers. Consider 9/80 and 4/10 schedules if customer service can be maintained.</p> |
|-----|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                   |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                   |                                                                    | Alternative Work Schedules provide employees with flexibility and additional time for life balance. While a Hybrid Work Schedule may not be possible for field staff or direct customer serving staff, an Alternative Work Schedule can be provided to these employees and provide them with some of the same benefits.                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.6                               | Formalize Hybrid Work Program                                      | <p>Hybrid work is a critical tool to attract and retain employees. Support the use of Hybrid Work Schedules on a permanent basis throughout the organization while balancing flexibility for the employee and customer service / organizational connectivity for the departments.</p> <p>Provide clear guidelines to support departments in implementing Hybrid Work.</p> <p>Provide training to management to learn to manage in this new environment.</p>                                                                                                                                                                                                                                                                                 |
| <b>Facilities &amp; Equipment</b> |                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 5.7                               | Adequately Fund Capital Improvement Program & Replacement Reserves | <p>Ensure Capital Improvement Program prioritizes deficiencies in City facilities with annual budget allocation.</p> <p>Establish budgeted replacement reserves for building and equipment replacement.</p> <p>Contract out more maintenance as needed to address current critical deficiencies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 5.8                               | Prioritize Investments in Buildings, Vehicles, & Equipment         | <p>Ensure health and safety of staff and customers is prioritized within City facilities. Ensure functional, safe and clean systems:</p> <ul style="list-style-type: none"> <li>▪ HVAC with appropriate filters;</li> <li>▪ Windows;</li> <li>▪ Carpeting / flooring; and,</li> <li>▪ Physical security of sites.</li> </ul> <p>Provide security for staff and customers as needed.</p> <p>Ensure public safety and public works facilities are regularly maintained and replaced to professional standards.</p> <p>Ensure Equipment &amp; Vehicle Safety is prioritized to ensure safety of employees and the public.</p> <p>Use outside resources (e.g. Fire Department equipment) if needed to ensure proper maintenance and repair.</p> |

## 6.0 - ELEVATE INTERNAL PROCESSES

*Elevating the importance and effectiveness of the City’s administrative functions is necessary if the City of Berkeley is to become an Employer of Choice. Berkeley is known for its community innovation and willingness to try new approaches to community problems. The same innovation should be encouraged and rewarded for internal process improvements. Innovation applied to internal processes will support organizational effectiveness, relationship building, and efficiency. By reducing inefficiencies and improving processes and use of technology, employees can reduce their frustration and focus their time and expertise on customer service and public improvements.*

### Structure & Programs

|     |                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.1 | Restructure Reporting of Administrative Services (HR, IT, Finance, Contracts) to One Deputy City Manager | <p>Realign the management reporting structure so that the Human Resources, Information Technology, Finance and Contracts report to the same executive (Deputy City Manager).</p> <p>Encourage collaboration and coordination among the three departments to problem solve, share staff resources and innovate.</p>                                                                                                                                                                                                                                                                                      |
| 6.2 | Elevate Importance of Service-Oriented Administrative Services & Customer Connectivity                   | <p>Ensure administrative services departments deliver elevated level of customer service to departments and function as true business partners with line departments.</p> <p>Schedule regular bi-monthly meetings with Finance and IT department representatives to provide feedback, ideas, advise and help improve systems for each function. These meetings will facilitate to provide input on the most critical short- and long-term internal service needs of the departments.</p> <p>Develop service level metrics and provide regular reports on status of work orders and key initiatives.</p> |
| 6.3 | Create An Innovation Program                                                                             | <p>Create an Innovation Program that reviews and rewards employees for creative and innovative ideas that save the organization time and money. Explore other ideas such as Innovation Labs, etc.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |

### Business Improvements

|     |                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 6.4 | Empower Strike Teams / Interdepartmental Work Groups             | <p>Create a Strike Team Model to accelerate implementation of improvements to internal processes across the organization. Empower the Strike Team with the authority to review systems, processes and technology and make improvements.</p> <p>Hire a Business Process Team (under Special Projects in CMO) to lead Strike Teams, document and realign key business processes (e.g., payroll, onboarding, staff report writing, technology acquisition) to affect efficiency and effectiveness of technology and practices/systems. Provide and coordinate staff training on processes.</p> |
| 6.5 | Provide Training on Common Administrative Practices & Procedures | <p>Employees and managers need to know how to process a contract, pay an invoice, start a recruitment, utilize an eligibility list, or prepare an evaluation.</p> <p>Create user guides, screen shots, and training manuals to help staff navigate the processes and procedures that are required for HR, IT, Contracts and Finance. Videos and training sessions should also be explored.</p>                                                                                                                                                                                              |
| 6.6 | Maximize Intranet as an Employee Resource                        | <p>Review and revamp as necessary, the City’s Intranet (i.e. SharePoint and Microsoft Suite of services), to create a vibrant, well organized, and content rich system for employees and managers to access and utilize.</p>                                                                                                                                                                                                                                                                                                                                                                |

|            |                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                               | <p>Identify an owner of these systems and complete buildout and deployment. Provide departments access to update within guidelines and naming conventions. Examples of content include training videos, communication templates, access to employee benefit resources, documentation of common processes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>6.7</p> | <p>Implement Business Practice Improvements in Finance, Information Technology, Payroll, HR and Contracts</p> | <p>Prioritize implementation of these services to support efficient operations across the organization:</p> <p><u>Finance / Payroll</u> -- Establish implementation deadlines for:</p> <ol style="list-style-type: none"> <li>1. On-line electronic timesheets for Payroll integrated with the City’s financial management system.</li> <li>2. ERMA modules implementation</li> </ol> <p><u>Information Technology</u> -- Prioritize implementation of basic services to support efficient operations across the organization:</p> <ol style="list-style-type: none"> <li>1. File sharing - Consistency software and retention conventions across the organization.</li> <li>2. TEAMs - Deployment of full capabilities with access when working on-site or remotely.</li> <li>3. Cell phones - Consider change in cell phone policy that allows for reimbursement v. City issued cell phones.</li> <li>4. Work Order System – Enhance transparency to provide departments with estimated time of service delivery and status on IT service requests.</li> </ol> <p><u>Contracts</u> -- Enhance common processes with modern templates and software.</p> <ol style="list-style-type: none"> <li>1. Request for Proposals / Purchasing solicitations – Deploy standard templates for various types of RFPs and solicitations. Ensure vendor quality and performance is integrated into consistent purchasing solicitation processes throughout organization.</li> <li>2. Vendor performance standards – Establish basic standards to ensure satisfactory service from City vendors.</li> </ol> <p><u>Signature Authority</u> – Update levels of signing authority for City Manager and City Attorney to levels similar to other organizations of Berkeley’s complexity. Allows for greater efficiency and effectiveness in business processing. A quarterly report can be provided to Council to ensure transparency.</p> <ol style="list-style-type: none"> <li>1. <u>City Manager Signing Authority</u> -- Increase City Manager’s signature authority from \$50,000 to a minimum for \$100,000. Conduct a study of other similar size municipalities to learn about the practices of other agencies in this authority for additional increase.</li> <li>2. <u>City Attorney Settlement Authority</u> – Increase City Attorney’s signature Authority from \$15,000 for an individual liability claim to \$50,000. Conduct a study of other similar size municipalities to learn about the practices of other agencies in this authority for additional increase.</li> </ol> |

## COMPENSATION & BENEFITS – ORGANIZATIONAL FEEDBACK

Compensation and benefits are key ingredients in the attraction and retention of employees. There was a range of feedback provided to MRG regarding Berkeley's competitive position in the marketplace and compensation. Many employees and managers participating in interviews and focus groups raised concerns about aspects of the City's compensation portfolio. During MRG's interviews and focus groups, comments and suggestions were collected, and themes developed regarding compensation and benefits.

These items are subject to bargaining with labor unions and require negotiations and/or a meet and confer process. In addition, many compensation concerns require additional research and analysis before recommendations could be developed which was beyond the scope of this study. For these reasons, MRG did not include compensation and benefits recommendations within the formal Roadmap. However, these items should be reviewed by the City and labor as negotiations are initiated.

The City does not have a formal compensation policy or philosophy for the City as a whole that supports benefit structure and continuity across all labor groups. Many non-salary benefits have been negotiated over time by each individual labor group creating inconsistencies among labor groups. These different levels create perceptions of unfairness. In addition, these individual differences create added administrative complexity for the Human Resources Department, Auditor's Office and Finance Departments. It takes time to align core benefits across all labor groups, but the gains are worth the work for the employee and the organization. Below are comments and themes provided to MRG during interviews and focus groups.

### SALARY

- Many concerns from employees, labor groups, and management regarding base salary levels for all levels of employees and compaction issues. Very difficult to recruit and retain specialized technical positions such as engineers, information technology staff, public safety, and electricians. MRG was told of numerous instances where prospective candidates chose to not accept employment offers from Berkeley based on the salary and benefits offered.
- Employees that worked in the office during COVID versus remotely feel that there should be some financial appreciation for their work.
- Explore mechanisms to allow an employee to be moved to a higher step based on equity, retention, or performance. Review longevity pay or retention differentials as tools to retain employees at key intervals.

### BENEFITS

#### Benefits – Comprehensive Review

- Consider a comprehensive review of benefits looking forward to what employees value now versus when the current benefit system was developed decades ago. Employees are generally seeking more value now versus the value for a future retirement (which will be less for PEPRAs employees).
- Consider making benefit levels that same for all employees for as many basic health and wellbeing benefits as possible. This would simplify benefit administration and remove equity concerns.

#### Retirement – PERS

- Concerns remain regarding the ramp down and equalization of Classic and PEPRAs for existing and prospective employees.

#### Health Related Benefits

- Medical Benefits – Deep appreciation for the rich health benefit with limited co-pays.
- Vision -- No vision plan offered by City except to IBEW Local 1245. Relatively inexpensive benefit. High interest from employees.

Leave Benefits

- Vacation Leave – Various ideas offered for vacation leave.
  - Leave Accrual Rates – Concerns about the rate of accruals at various years of service.
  - Lateral Hires -- Interest in being able to offer seasoned public employees coming from other agencies with higher level of vacation leave as a starting point. Want to attract seasoned lateral talent without starting over with only 2 weeks of vacation leave. Explore way to provide years of service credit from other public agencies into Berkeley’s leave accrual rates. (Ability to hire lateral police and fire personnel is critical.)
  - Desire for vacation cash out with management of leave caps.
- Administrative Leave – Administrative Leave is low (50 hours/year) compared to other agencies. Most Bay Area agencies provide higher hours of Administrative Leave to recognize the additional hours of work provided by management and professional staff including commission, committees and other night meetings while being exempt from overtime.
- Family / Elder Care Leave – No City paid Family Leave and Elder Care leave in place. Current practice allows for 1 year of leave with no pay and City provided medical benefits.

Commuter Subsidy and Employee Parking Benefits

- Transit / Parking Benefits -- Extensive frustration and comments regarding the Commuter Subsidy and employee parking. A review and update of parking and transit programs and benefits would be well received by employees.
  - While the City wants to encourage public transit for environmental sustainability, it’s not convenient nor usable by many employees based on where they live.
  - Parking is cumbersome and costly for employees working downtown. Many employees park many blocks away from City Hall to ensure free parking. When it is dark outside, staff doesn’t always feel safe walking to and from their vehicle. Employees stated that the convenient City Center lot frequently has capacity that is underutilized, but the cost is too high for employees without some City subsidy.
  - Enhancements to the parking and transit benefits can be seen as a way to recognize the efforts of employees who are coming into the office every day and have extra costs associated with their work for the City of Berkeley.

Miscellaneous Benefits

- Gym / Health Membership – The City pays for YMCA membership located in Berkeley. Consider providing benefit to employees using gyms outside of Berkeley.
- Employee Assistance Program – Provide additional mental health visits under base contract.

Management Benefits

- Interest in exploring car allowance, performance bonus, additional Administrative or Management Leave, enhanced wellness program, a sabbatical after determined term of service.

**JOB CLASSIFICATION**

- Many job classifications are outdated in terms of titles, requirements and descriptions of duties with affects on recruitment and promotional opportunities. Specifically, MRG heard concerns raised regarding Information Technology and Public Health.

APPENDIX B: MRG CONSULTANT FIRM / TEAM

Municipal Resource Group, LLC is an experienced, full-service consulting firm dedicated to assisting client agencies in attaining their strategic goals. MRG was founded in 2009 by highly skilled and broadly experienced professionals. MRG has a team of professionals who work to address challenges for both public and private sector clients. Our consultants have extensive experience in all aspects of Organizational Assessment & Development, Human Resources, including staffing and effectiveness analyses. Our team is experienced in working with elected officials, agency executives, managers, and staff.

- ✓ Full-service professional management consulting firm with over 60 affiliated consultants.
- ✓ Offices in Sacramento and Southern California.
- ✓ Deep HR and organizational development expertise.
- ✓ Deliver transformational solutions to leadership, governance, human resource, financial management and other complex organizational challenges.
- ✓ Help agencies rethink historic practices and review what is possible within agency-specific rules and standards.



*Project Team:*



**MARY EGAN**

**Managing Partner/CEO**

- Executive Coaching, Workplace Investigation, & Crisis Navigation
- Delivering truth to governing boards/leaders to solve complex problems



**CATHY CAPRIOLA**

**Project Manager**

- 30 years – local government
- Retired City Manager
- Organization Development, Leadership & Team Coaching
- Developer of people & organizations to the next tier



**CRAIG WHITTON**

**Consultant**

- 31 years - local government
- Retired DH & Assistant City Manager
- Driver of actionable service delivery improvements



**MARCIE SCOTT**

**Consultant**

- 20 years as HR Director & Manager in cities
- Seasoned guide for personnel management & employee relations



**BERKELEY PUBLIC LIBRARY  
POLICIES**

**SUBJECT: Board of Library Trustees (BOLT)  
Meeting Policy**

|                    |            |
|--------------------|------------|
| ORIGINAL DATE:     | 05/11/2016 |
| REVISED DATE:      | 12/06/2017 |
| BOLT Resolution #: | R17-071    |
| PAGE:              | 1 of 3     |

**A. Public Comment**

Any member of the public or Library staff may address BOLT during the period set aside on the meeting agenda for “Public Comment”. At a regular BOLT meeting, any topic pertaining to Library business may be addressed; however at a Special Meeting of BOLT, public comment is limited to items listed on the agenda.

BOLT may not discuss or take action on an issue raised during public comment. However, any BOLT member may ask a brief clarifying question or may refer a matter raised in public comment to the BOLT Secretary for follow-up or reporting back at a future date.

**1. Speaker Cards**

Persons wishing to speak need to submit a speaker card. Persons submitting speaker cards are not required to list their name, however they must list some identifying information or alternate name in order to be called to speak. Speaker cards will not be accepted after Public Comment has begun.

**2. Time Allotment for Public Comment**

Speakers are allowed 3 minutes each for up to 10 speakers; if more than 10 individuals have filled out and submitted cards to speak, the time for all speakers will be reduced to 2 minutes per person and if more than 20 individuals have submitted speaker’s cards, the time per person will be reduced to one minute each, for a maximum of one hour of public comment.

**3. Ceding Time during Public Comment**

When up to 10 people wish to speak, and therefore the time limit per speaker is 3 minutes, one person may cede time to another for a total of 6 minutes of speaking time for that individual. When the time limit is 2 minutes, up to 2 people may cede their time to a third individual, for a total of 6 minutes for that speaker. When the time limit is 1 minute, up to three people may cede their time to a fourth person, giving that speaker a total of 4 minutes.

When an individual is called to speak, that person may cede their time to another person who has filled out a speaker’s card, but has not yet been called to speak. An individual whose name has not yet been called may cede time to an individual whose name has just been called to speak. Time may not be ceded to an unspecified individual, an individual who has not filled out a speaker’s card, an individual who has already spoken, or an individual who has already received the maximum amount of ceded time.

**B. Comment from Library Unions**

“For regular meetings of the BOLT, representatives from the three unions representing Library employees may address BOLT, with a total time limit of 15 minutes. If all three (3) unions have representatives present and wish to speak, each union shall receive 5 minutes to address BOLT. If only two (2) unions have representatives present and wishing to speak, each union shall receive 7.5 minutes to address BOLT, for a total of 15 minutes. If only one (1) union has representatives present and wishing to speak, that union shall receive 15 minutes to address BOLT. The Secretary shall, at the start of the Comment from Library Union item, ask union representatives who wish to speak to identify themselves

and which union they represent. The Secretary shall then determine the appropriate allocation of speaking time according to the rules stated herein." The time allotment for union comment will not be diminished in the event of large numbers of speakers present for public comment, and cannot be ceded from one union to another.

**C. Comment from Board Trustees**

Time will be set aside on the agenda for brief comments and announcements from BOLT Trustees. BOLT Trustees may not engage in discussion of items raised during the Trustee Comment period but may make a referral to the BOLT Secretary of an item for follow up or for reporting back at a future date.

**D. Order and Decorum**

**1. Presiding Officer**

The Presiding Officer has the affirmative duty to maintain order. The BOLT will honor the role of the Presiding Officer in maintaining order.

**2. Trustee Conduct.**

While the BOLT is in session, the Trustees will practice civility and decorum in their discussions and debate. BOLT Trustees will value each other's time and will preserve order and decorum. A Trustee shall not delay or interrupt the proceedings of the BOLT, use personal, impertinent or slanderous remarks, or disturb any other member while that member is speaking, or refuse to obey the orders of the Presiding Officer of the BOLT.

All Trustees have the opportunity to speak and agree to disagree but no Trustee shall speak twice on any given subject unless all other Trustees have been given the opportunity to speak. All Trustee remarks shall be addressed to the BOLT as a body and not to any member thereof. No question shall be asked of or by a BOLT Trustee except through the Presiding Officer.

**3. Conduct of Public in Attendance**

Persons attending the meeting shall observe the rules and procedures of the BOLT and shall not disrupt Trustee business, for example: by shouting, making disruptive noises, such as boos or hisses; creating or participating in a physical disturbance; speaking out of turn or in violation of the BOLT's procedures or rules; preventing or attempting to prevent others who have the floor from speaking; preventing others from observing the meeting; entering into or remaining in an area of the meeting room that is not open to the public; or approaching the BOLT table without consent. Any message to or contact with any member of the BOLT while it is in session shall be through the Board Secretary.

Members of the public who do not follow the rules for decorum may be asked to leave the meeting. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner toward another member of the public, staff, or BOLT Trustee, law enforcement personnel may be called to remove the individual from the premises.

|              |                                                                 |                          |
|--------------|-----------------------------------------------------------------|--------------------------|
| Reviewed by: | <u>Eelit Wann</u><br>Director of Library Services               | <u>12/14/17</u><br>Date  |
| Approved by: | <u>Diane Lee Dawang</u><br>President, Board of Library Trustees | <u>12/6/2017</u><br>Date |



Board of Education:  
Laura Babitt, President  
Ana Vasudeo, Vice President  
Jennifer Shanoski, Clerk  
Ka'Dijah Brown, Director  
Mike Chang, Director  
Ian Segall, Student Director, BHS  
Teairra Brown/Jamaria Pickens, Student Directors, BTA

BOARD OF EDUCATION

Meeting Location: 1231 Addison Street, Berkeley, CA 94702

Meeting Location for Director Ka'Dijah Brown: Highway A1 Mountain Spring Trelawny, Montego Bay, Jamaica

Regular Meeting Agenda  
Wednesday, June 14, 2023

*The Berkeley Unified School District intends to provide reasonable accommodations in accordance with the Americans with Disabilities Act of 1990. If a special accommodation is desired, please contact the Superintendent's Office in writing 48 hours prior to the meeting at superintendent@berkeley.net*

El Distrito Escolar Unificado de Berkeley tiene la intención de proporcionar adaptaciones especiales en conformidad con el *Americans with Disabilities Act of 1990* (Ley de Americanos con Discapacidades de 1990). Si usted desea una adaptación especial, por favor comuníquese por correo electrónico con el personal de la Oficina del Superintendente 48 horas antes de la reunión a superintendent@berkeley.net.

*Notice of Non-Discrimination*

*The Berkeley Unified School District does not discriminate on the basis of race, color, national origin, sex, disability, age, religious creed, gender, sexual orientation, gender expression, marital or parental status, ancestry, national origin, ethnic group identification, disability, medical condition, homelessness or foster status, in its programs and activities, and provides equal access to the Boy Scouts and other designated youth groups. Discrimination based on protected class includes sexual harassment, sexual violence, and bullying. All inquiries or concerns regarding BUSD's nondiscrimination policy 5145.3 or the filing of discrimination complaints should contact:*

Jasmina Viteskic  
District Compliance Officer & Title IX Coordinator  
2020 Bonar St., Room 117  
Berkeley, CA 94702  
Phone: 510.486.9352  
Email: nondiscrimination@berkeley.net

To access this agenda online, go to: <https://berkeley.agendaonline.net/public/>

1. Call to Order - 5:30 P.M.

The presiding officer will call the meeting to order at 5:30 PM. The regular meeting will convene at 7:00 P.M.

2. Closed Session Public Testimony

Public Testimony related to closed session items is limited to 15 minutes with a 3-minute limit per speaker per topic, although the time allotted per speaker may be reduced to 2 minutes at the discretion of the President.

3. Closed Session

The Board may recess into Closed Session before or after the public meeting under the authority of the Brown Act (including but not limited to Government Code sections 54954.5, 54956.8, 54956.9, 54957, 54957.6, as well as 35146) Under Government Code section 54954.3, members of the public may address the board on an item on the Closed Session agenda.

|     |                                                                                        |
|-----|----------------------------------------------------------------------------------------|
| 3.1 | Existing Litigation - Conference with Legal Counsel (Gov't Code Section 54956.9(d)(1)) |
|     | 3.1.1 BUSD 202324-01                                                                   |
|     | 3.1.2 WC No. 20-127598                                                                 |
| 3.2 | Public Employee Appointment (Government Code Section 54957)                            |
|     | 3.2.1 Appointment of Vice Principal, Longfellow Middle School                          |
|     | 3.2.2 Appointment of Literacy Coordinator                                              |
| 3.3 | Superintendent's Evaluation (Government Code Section 54597)                            |

4. Call to Order - 7:00 P.M.

5. Approve Regular Meeting Agenda for June 14, 2023

6. Report Out on Closed Session

7. Open Session Public Testimony

Public Testimony is strictly limited to 30 minutes with a 3-minute limit per speaker per topic, although the time allotted per speaker is likely to be reduced at the discretion of the President depending on how many people wish to speak.

8. Committee Comments

Representatives from [District Committees](#) that include members of the public are given the opportunity to address the Board on any issue. 5 minutes per committee.

9. Union Comments

The chair (or designee) of each District union that includes members of the public is given the opportunity to address the Board on any issue. 5 minutes per union.

|                                                 |
|-------------------------------------------------|
| Berkeley Federation of Teachers (BFT)           |
| Berkeley Council of Classified Employees (BCCE) |
| Union of Berkeley Administrators (UBA)          |
| Local 21                                        |

10. Board Member and Superintendent Comments

Board members and the Superintendent are given the opportunity to address any issue.

11. Consent Calendar

|       |                                                                                                                                                    |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 11.1  | Approval of Human Resources Report                                                                                                                 |
| 11.2  | Approval of Position Control Changes Report                                                                                                        |
| 11.3  | Approval of Changes to Union of Berkeley Administrators Manager Calendar & Salary Schedule                                                         |
| 11.4  | Approval of 2023-2024 Classified Salary Schedules                                                                                                  |
| 11.5  | Appointment of Vice Principal, Longfellow Middle School                                                                                            |
| 11.6  | Appointment of Literacy Coordinator                                                                                                                |
| 11.7  | Approval of Out of State Travel Request(s)                                                                                                         |
| 11.8  | Approval of Resolution 23-039 to Authorize the Superintendent to Hire During the Board's Summer Break                                              |
| 11.9  | Approval of Agents and Authorized Signers for Signature Card and Official Documents and Reports for the Berkeley Unified School District           |
| 11.10 | Approval of Listings of Fiscal Warrants Issued in May 2023                                                                                         |
| 11.11 | Approval of Contracts/Purchase Orders for Services Contracts                                                                                       |
| 11.12 | Approval of Mental Health Support – Bay Area Community Resources (BACR)                                                                            |
| 11.13 | Approval of Mental Health Support – Child Therapy Institute (CTI)                                                                                  |
| 11.14 | Approval of Expenditures for Xerox for Duplicating and Print Management Equipment and Services.                                                    |
| 11.15 | Approval for Cost of an Alternative Third-Party Provider for Non-Public School (NPS) Transportation Service for the 2022-2023 Extended School Year |

|       |                                                                                                                                               |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 11.16 | Approval of Acceptance of Gifts/Donations                                                                                                     |
| 11.17 | Approval of Entering a Contract with Colbi Technologies to Provide Software for the Facilities Program for FY 2023-2024                       |
| 11.18 | Approval of a Contract for HMC Group for the Berkeley High School Capacity and Expansion Project                                              |
| 11.19 | Approval of a GMP for Alten Construction for the Longfellow Modernization Project and Resolution No. 23-037                                   |
| 11.20 | Approval to Determine Two Projects are Categorically Exempt under CEQA and Requesting Board Approval to File the Notice of Exemption          |
| 11.21 | Acceptance of the Citizens' Construction Oversight Committee Annual Report                                                                    |
| 11.22 | Approval of the 2023/24 Measure H Annual Plan                                                                                                 |
| 11.23 | Approval of Resolution No. 23-040– Disposition of Surplus Property                                                                            |
| 11.24 | Approval of the CalSHAPE Grant Application and Resolution No. 23-041                                                                          |
| 11.25 | Approval of Board Policy 7152.2 Public Art Policy                                                                                             |
| 11.26 | Approval Memorandum of Understanding between Elevo Learning Coast to Coast and Berkeley Unified School District for the 2023-2024 School Year |
| 11.27 | Approval of Memorandum of Understanding between Maxim Healthcare Services and Berkeley Unified School District for the 2023-2024 School Year  |
| 11.28 | Approval of Memorandum of Understanding between CORE Reading and Berkeley Unified School District for the 2023-2024 School Year               |
| 11.29 | Approve Contract with Problem Solving Solutions, Kim Gibbons, Literacy Improvement Plan 2023-2024                                             |
| 11.30 | Approval of Recommendation for K-3 Science Adoption                                                                                           |
| 11.31 | Course Approval - Software Engineering: Advanced Topics in Computer Science.                                                                  |
| 11.32 | Course Approval - Advanced Digital Sound Engineering                                                                                          |
| 11.33 | Approval of Memorandum of Understanding between Concerned Parents Alliance and Berkeley Unified School District                               |
| 11.34 | Approval of Memorandum of Understanding between Choose College Educational Foundation and Berkeley Unified School District                    |

|       |                                                                                                                          |
|-------|--------------------------------------------------------------------------------------------------------------------------|
| 11.35 | Approval of Memorandum of Understanding between R.T. Fisher Educational Enterprises and Berkeley Unified School District |
|-------|--------------------------------------------------------------------------------------------------------------------------|

12. Presentation

|      |                                                                          |
|------|--------------------------------------------------------------------------|
| 12.1 | Gender Equity Sexual Harassment Advisory Committee Presentation - 20 min |
| 12.2 | BSEP Measure Planning Update - 20 min                                    |

13. Discussion

|      |                                                                                              |
|------|----------------------------------------------------------------------------------------------|
| 13.1 | Discussion Regarding Surplus Property Options for 1130 Oxford Street, Berkeley CA 94707 - 20 |
|------|----------------------------------------------------------------------------------------------|

14. Action

|      |                                                                                   |
|------|-----------------------------------------------------------------------------------|
| 14.1 | Approval of the 2023-24 Local Control Accountability Plan (LCAP) - 20             |
| 14.2 | Approval of 2023-24 Budget, 2022-23 Estimated Actuals, and Budget Priorities - 20 |

15. Information

|      |                                                                         |
|------|-------------------------------------------------------------------------|
| 15.1 | Update on Classification & Compensation Study Progress                  |
| 15.2 | 2023-2024 Consolidated Application for Funding Categorical Aid Programs |

16. Public Comment (2nd Opportunity)

17. Extended Board Comments

18. Adjournment

## GOVERNANCE TEAM COMMITMENTS

- Practice humility and self-reflection and ask for feedback;
- Create safe non-judgemental space to get to know each other as people;
- Be honest and candid with each other;
- Lead with curiosity (e.g., "Could you say more about what you mean by X?". Ask questions for deeper understanding so as to avoid assumptions;
- Prioritize direct communication with each other when there is a negative impact during a discussion or disagreement. Initiate 1:1 conversations via phone, email or text to request time via phone, video-chat, or in-person.) Use impact statements (e.g., "When you said X, I felt Y ...") ;
- Understand that our experiences, opinions, and perspectives are shaped by our positions and privilege in life, and be mindful of the impact the we have on others;
- Appreciate each others' strengths, experience and contributions, and the positive work carried out in the District;
- Embrace disagreement when respectfully articulated; this is a sign of a healthy governance team comprised of people with shared values but different perspectives;
- Commit to being a team player - be respectful about the way we discuss our colleagues and their views, even when we disagree. Strive to support each other, avoid disparaging each other publicly or privately and organizing against each other;
- Ensure clarity of our roles as they relate to Governance/Operations;
- Adhere to confidentiality of closed session discussions to comply with law, build trust with the governance team, and foster a safe space for candid discussion;
- Show public respect for the will of the Board even when in the minority on a decision;
- Be responsible and accountable to each other: do what you say you're going to do and acknowledge when expectations weren't met;
- Be responsive to all voices in the district and seek to elevate the voices heard less frequently; and,
- Emulate/model the values and culture we strive for in the District.

## IV. CONDUCT OF MEETING

### A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- Public comment on the Consent and Information Calendars.
- Public comment on action items, appeals and/or public hearings as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry.

#### 1. Public Comment on Consent Calendar and Information Items.

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar,” or move “Consent Calendar” items to “Action.” Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent.”

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. No additional items can be moved onto the Consent Calendar once public comment has commenced.

At any time during, or immediately after, public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

**2. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items, public comment on consent and information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the agenda for action as the item is taken up.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.

**3. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of proposed special assessment lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side

shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council agenda.

#### **4. Public Comment on Non-Agenda Matters.**

Immediately following Ceremonial Matters and the City Manager Comments and prior to the Consent Calendar, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.

Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.

#### **5. Ralph M. Brown Act Pertaining to Public Comments.**

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the agenda. However, the Council may refer a matter to the City Manager.

#### **B. Consent Calendar**

There shall be a Consent Calendar on all regular meeting agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor and City Manager deem to be of such nature that no debate or inquiry

will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of consent calendar items can be minimized.

Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.

**C. Information Reports Called Up for Discussion**

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The agenda will indicate that at the request of Mayor or any Councilmember a Report for Information may be acted upon by the Council.

**D. Written Communications**

Written communications from the public will not appear on the Council agenda as individual matters for discussion but will be distributed as part of the Council agenda packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council agenda to the Council to be reproduced in the "Communications" section of the Council packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a consent or action item for placement on a future agenda.

Communications related to an item on the agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.C.4.

**E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters**

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date,

place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

#### **F. Work Sessions**

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

**G. Protocol**

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

RESOLUTION #####-N.S.

AMENDING THE RULES OF PROCEDURE AND ORDER TO CREATE A DEDICATED PUBLIC COMMENT TIME FOR CITY OF BERKELEY UNIONS

WHEREAS, the City of Berkeley is experiencing a high staff vacancy rate and long-term, high vacancy rates decrease the efficiency of services provided to the community and have a substantial impact on the morale of staff members asked to take on additional tasks working beyond their expected capacity; and

WHEREAS, the City acknowledges that recognition, appreciation, and employee engagement are central to building culture and having employees feel seen, heard, and valued; and

WHEREAS, first-hand knowledge of the circumstances driving staff turnover and retention and impacting staff morale and success is crucial to fully understand the current situation, and for long term management of the organization; and

WHEREAS, the City Council wishes to demonstrate its appreciation for our dedicated, hardworking, public employees by creating a dedicated time for Public Sector Unions representing City of Berkeley employees to have reserved time to address the City Council at the start of the meeting, prior to public comment on non-agenda items;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley to hereby amend the City Council Rules of Procedure and Order to create a new Section after IV. (A) Conduct of Meeting - Comments from the Public – and any ancillary administrative changes needed – to read:

“Comments from Official Representatives of Unions representing City Employees: For meetings of the City Council, official representatives from unions representing City of Berkeley employees may address the City Council for up to five minutes per union, if representatives of three or fewer unions wish to speak, or for up to three minutes per union, if representatives of four or more unions wish to speak. Time may be shared between more than one speaker per union.”



Landmarks Preservation Commission

INFORMATION CALENDAR  
July 11, 2023

To: Honorable Mayor and Members of the City Council  
 From: Landmarks Preservation Commission (LPC)  
 Submitted by: Charles Enchill, LPC Chairperson  
 Subject: Annual Report on LPC Actions

INTRODUCTION

LPC has prepared a report on its activities during the period June 2022 through May 2023; see Attachment 1, "Annual Report on Landmarks Preservation Commission Actions." Reports on the Commission's activities are required on an annual basis, in accordance with Berkeley Municipal Code Chapter 3.24.090 - *Annual Report Required*.

CURRENT SITUATION AND ITS EFFECTS

On June 1, 2023, the Commission voted to approve the attached report and to forward it to City Council. Vote: 8-0-0-1; Yes: Adams, Crandall, Enchill, Finacom, Linvill, Montgomery, Schwartz, Twu; No: none; Abstain: none; Absent: Leuschner.

BACKGROUND

Staff prepared a draft report summarizing LPC's actions and then presented it for the Commission's consideration at the meetings on May 4 and June 1, 2023. The Commission received the report favorably and voted to adopt it and to forward it to City Council in accordance with the BMC requirement.

The Commission held a total of 11 meetings during this reporting period. In March of this year, the Commission seamlessly returned to in-person meetings.

Among numerous accomplishments, the Commission:

- Designated one property as Structure of Merit.
- Granted 12 Structural Alteration Permits for existing properties on the City's register of historic properties.
- Recommended that City Council enter into Mills Act tax reduction contracts for the rehabilitation to two private residences.
- Considered 14 demolition referrals from the Zoning Adjustments Board.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Historic preservation practices encourage the adaptive re-use and rehabilitation of cultural resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The LPC will continue to submit an annual report on its activities in accordance with the BMC requirement.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts associated with this reporting activity.

CONTACT PERSON

Fatema Crane, LPC Secretary, 510-981-7413

Attachments:

1: Annual Report of Landmarks Preservation Commission (LPC) Activities



L A N D M A R K S  
P R E S E R V A T I O N  
C O M M I S S I O N

---

R E P O R T T O C I T Y C O U N C I L

**Annual Report on  
Landmarks Preservation Commission (LPC)  
Actions**

Reporting Period: June 2022 through May 2023  
Due Date: June 30, 2023

Presented to City Council  
By the LPC Secretary  
On behalf of the LPC Chairperson and the Commission  
In accordance with Berkeley Municipal Code Section 3.24.090

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| Part 3: | Actions Undertaken in Accordance with<br>Regulatory Compliance |
| Part 4: | Discussions Held                                               |
| Part 5: | Presentations Received                                         |

**Part 1: Introduction**

In accordance with Berkeley Municipal Code Section 3.24.090, the LPC shall report its actions to City Council on an annual basis. The report must arrive not later than June 30 of each year.

Herein City Council will find summaries of all LPC activities for the current reporting period. The summary lists are arranged in categories reflecting LPC’s compulsory duties, such as public meetings and quasi-judicial reviews, as well as other efforts that further cultural resource preservation in Berkeley.

**Part 2: LPC Meetings Held**

| Meeting Body                                                                | Date                           |
|-----------------------------------------------------------------------------|--------------------------------|
| Landmarks Preservation Commission (LPC)                                     | June 2, 2022 <sup>*</sup>      |
|                                                                             | August 4, 2022 <sup>*</sup>    |
|                                                                             | September 1, 2022 <sup>*</sup> |
|                                                                             | October 6, 2022 <sup>*</sup>   |
|                                                                             | November 3, 2022 <sup>*</sup>  |
|                                                                             | December 1, 2022 <sup>*</sup>  |
|                                                                             | January 5, 2023 <sup>*</sup>   |
|                                                                             | February 2, 2023 <sup>*</sup>  |
|                                                                             | March 2, 2023                  |
|                                                                             | March 30, 2023                 |
|                                                                             | May 4, 2023                    |
| LPC Ad Hoc Subcommittee:<br>City Projects on City LM, SOM or District Sites | November 8, 2022               |
|                                                                             | February 8 & 10, 2023          |

<sup>\*</sup> Held via video conference in accordance with Government Code Section 54953 (e) and the state-declared emergency.

**Part 3: LPC Regulatory Actions**

| Activity                                                           | Property Address                    | Application Number     | Action Date                    |
|--------------------------------------------------------------------|-------------------------------------|------------------------|--------------------------------|
| Landmark & Structure of Merit Designations<br>BMC Section 3.24.150 | 2119 Marin Avenue                   | #LMIN2022-0002         | September 1, 2022              |
|                                                                    | 60 Panoramic Way                    | #LMIN2023-0001         | May 4, 2023                    |
| Structural Alteration Permits<br>BMC Section 3.24.240              | 2200-block of Piedmont Avenue       | #LMSAP2019-0009        | June 2, 2022                   |
|                                                                    | 2733 Buena Vista Way                | #LMSA2022-0004         |                                |
|                                                                    | 2065 Kittredge Street               | #LMSAP2021-0004        | June 2, August 4, 2022         |
|                                                                    | 1325 Arch Street                    | #LMSAP2022-0007        | August 4, 2022                 |
|                                                                    | 2081 Center Street                  | #LMSAP2022-0006        | August 4, October 10, 2022     |
|                                                                    | 1960 San Antonio Avenue             | #LMSAP2022-0005        | August 4, 2022 & March 3, 2023 |
|                                                                    | 2109 Kala Bagai Way                 | #LMSAP2022-0008        | October 6, 2022                |
|                                                                    | 1581 Le Roy Avenue                  | #LMSAP2022-0009        | November 3, 2022               |
|                                                                    | 1767 Alcatraz Avenue                | #LMSAP2022-0010        |                                |
|                                                                    | 2113-2115 Kittredge Street          | #LMSAP2022-0011        | December 1, 2022               |
|                                                                    | 1325 Arch Street                    | #LMSAP2022-0013        | January 5, 2023                |
|                                                                    | 1919 Addison Street                 | #LMSAP2022-0010        | February 2 & March 2, 2023     |
|                                                                    | 1915 Fourth Street                  | #LMSAP2022-0014        | February 2, 2023               |
|                                                                    | 0 Center Street – Civic Center Park | #LMSAP2023-0001        | March 30, 2023                 |
| Use Permit Demolition Referrals<br>BMC 23C.08.050                  | 1650 Shattuck Avenue                | #ZP2020-0022           | June 2, August 4, 2022         |
|                                                                    | 742 Grayson Street                  | #ZP2021-0161           | June 2, 2022                   |
|                                                                    | 1820-1828 San Pablo Avenue          | #ZP2021-0186           |                                |
|                                                                    | 2403-2407 San Pablo Avenue          | #ZP2021-0220           | August 4, 2022                 |
|                                                                    | 1752 Shattuck Avenue                | #ZP2022-0011           | September 1, 2022              |
|                                                                    | 2555 College Avenue                 | #ZP2022-0019           | November 3, 2022               |
|                                                                    | 2720 Hillegass Avenue               | #ZP2022-0095           |                                |
|                                                                    | 1652-1658 University Avenue         | #ZP2022-0110           | January 5, 2023                |
|                                                                    | 2900-2920 Shattuck Avenue           | #ZP2022-0116           | February 2, 2023               |
|                                                                    | 1548 University Avenue              | #ZP2022-0099           |                                |
|                                                                    | 1598 University Avenue              | #ZP2022-0099           |                                |
|                                                                    | 2800 Telegraph Avenue               | #ZP2022-0107           | March 3, 2023                  |
|                                                                    | 3030 Telegraph Avenue               | #ZP2022-0170           | March 30, 2023                 |
| 2132-2154 Center Street                                            | #ZP2022-0135                        | March 30 & May 4, 2023 |                                |

| Activity                                                            | Property Address     | Application Number | Action Date                     |
|---------------------------------------------------------------------|----------------------|--------------------|---------------------------------|
| Mill Act Contract Applications<br>City Council Resolution<br>59,355 | 2523 Piedmont Avenue | #LMMA2022-0001     | August 4, 2022                  |
|                                                                     | 2119 Marin Avenue    | #LMMA2022-0002     | September 1,<br>October 6, 2022 |
| Design Review Referrals<br>BMC 23E.12.020.B                         | None                 |                    |                                 |
| National Preservation Act<br>Section 106 Referrals                  | None                 |                    |                                 |

#### Part 4: LPC Agenda Discussions Held

| Topic                                                                                          | Discussion                                                                                                                                                                                    | Outcome                                              | Date(s)                              |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------------------------|
| Toverii Tuppa Building – 1819 Tenth Street                                                     | Received a correspondence from a concerned party about the poor condition of the building and roof.                                                                                           | Provided direction and advice to interested parties. | September 1 and October 10, 2022     |
| Land Acknowledgement Practice                                                                  | Discussed the October 21, 2022 memorandum on the Land Acknowledgement Statement Resolution from the City Council, and considered including the Land Acknowledgement in LPC meeting practices. | Adopted the practice.                                | December 1, 2022 and January 5, 2023 |
| Request to Initiate City Landmark or Structure of Merit Designation for 910 Indian Rock Avenue | Consider the information presented by nearby residents.                                                                                                                                       | Pending                                              | May 4, 2023                          |
| Request to Initiate City Landmark or Structure of Merit Designation for 2531 Ridge Road        | Consider the information presented by local historian.                                                                                                                                        |                                                      |                                      |
| Berkeley Civic Center Vision & Implementation Plan                                             | Consider drafting a Correspondence to City Council.                                                                                                                                           |                                                      |                                      |

**Part 5: LPC Agenda Presentations Received**

| Topic                                                                                        | Presenter                                                                                                                                                                                      | Date             |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Longfellow School Modernization Project – 1500 Derby Street                                  | Berkeley Unified School District consultant team provided information and solicited feedback on conceptual plans for a K-12 facilities improvement project.                                    | August 4, 2022   |
| Turtle Island Monument Conceptual Design                                                     | Parks, Recreation & Waterfront staff presented the conceptual design for the proposed installation of commemorative artwork at the Civic Center Park Fountain (prior to formal SAP submittal). | December 1, 2022 |
| Pacific Steel Casting Zoning & General Plan Amendments & Environmental Impact Report Scoping | Land Use Planning staff presented information about the City's consideration of new zoning standards and General Plan amendments for an industrial neighborhood in West Berkeley.              | February 2, 2023 |
| Hopkins Corridor Improvements Project                                                        | Public Works Transportation staff presented information and solicited comments about a pending pedestrian and cycling improvement plan for the City right-of-way.                              | March 30, 2023   |





BERKELEY CITY AUDITOR

INFORMATION CALENDAR

July 11, 2023

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: City Auditor Fiscal Year 2024 Audit Plan

INTRODUCTION

The Berkeley City Charter requires the City Auditor to provide the City Council with a planned audit schedule by the beginning of each fiscal year and to notify the Council when audits are added. In deciding what to audit, our office considers suggestions from the City Manager, staff, the City Council, the Rent Stabilization Board, commissioners, and other community members. We examine risks that might prevent the City from reaching its goals, including strategic, financial, regulatory, operational, and reputational risks.

CURRENT SITUATION AND ITS EFFECTS

As required by the City Charter, we are notifying the Council of our annual audit plan. The following plan assumes being fully staffed to conduct these audits.

For Fiscal Year 2024, we have identified areas we hope to address in the upcoming year:

- Homelessness (in progress)
- Measure FF (in progress)
- Rent Stabilization Board
- Public health
- Follow-up on prior audit recommendations
- Short-term projects
- Whistleblower Program

BACKGROUND

The mission of the Berkeley City Auditor is to promote transparency and accountability in Berkeley government. This is achieved through independent evaluations of City programs and activities. The FY 2024 Audit Plan reflects our office's commitment to continuous improvement by enhancing the value, products, staffing, communications, and overall impact of the Berkeley City Auditor's Office on behalf of Berkeley residents, businesses, and visitors.

ENVIRONMENTAL SUSTAINABILITY

This report is not associated with identifiable environmental effects or opportunities.

POSSIBLE FUTURE ACTION

Our future audit recommendations will address the risks that could prevent the City from providing efficient, effective, and equitable service delivery. We will be asking the Council to accept those recommendations and request that the City Manager report on their actions to implement them. We may also make recommendations requiring Council action.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits result in significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and fiscal management will reduce future costs and enhance public trust.

CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. Audit Plan Fiscal Year 2024

# Audit Plan Fiscal Year 2024

## Inside

Letter from the Auditor

Planned Engagements

Plan Description

Audit Selection Process

Auditor's Authority



BERKELEY CITY AUDITOR

# Letter from the Auditor



As the Berkeley City Auditor, I am pleased to present to you the audit plan for fiscal year 2024. This plan outlines the key areas of focus for the City Auditor's Office, including ongoing work, new initiatives, and the allocation of resources to ensure transparency, accountability, and effective governance.

Our office conducts performance audits of city functions, where we evaluate city programs to determine their effectiveness and compliance with local laws and regulations. Our goal with each audit is to ensure that the City is using taxpayer dollars efficiently and equitably to deliver high-quality services. We aim to initiate the engagements identified in the audit plan during the fiscal year. Our capacity to initiate and complete projects this fiscal year will be dependent on available

resources.

In the past fiscal year, my office has achieved significant milestones, including issuing the audit *Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring*, launching the [Audit Recommendations Dashboard](#), and receiving the national Exemplary Knighton Award for our audit *Berkeley Police: Improvements Needs to Manage Overtime and Outside Security Work for Outside Entities*.

Building upon these accomplishments, we have developed the fiscal year (FY) 2024 audit plan to address areas of concern and further strengthen the governance of the City of Berkeley. In FY 2024, we will continue our audits of homelessness and Measure FF that were initiated in FY 2023. We plan to initiate new audits related to public health and the City's Rent Stabilization Board.

We will continue to perform follow-up work on audit recommendations to determine if the City has properly implemented them. This year, I will devote office resources to implementing the City's Auditor's Whistleblower Program. The Whistleblower Program will be designed to provide a confidential and secure channel for individuals to report suspected fraud, waste, or abuse within Berkeley city government. I believe that incorporating our Whistleblower Program into our efforts to promote transparency and accountability, we can uncover potential misconduct, prevent future wrongdoing, and ultimately enhance the overall integrity of Berkeley government.

I am dedicated to upholding our mission of promoting transparency and accountability in the Berkeley government. Together, with the implementation of the Whistleblower Program and our existing audit initiatives, we can strengthen transparency, accountability, and public trust in Berkeley government, fostering an environment where effective governance thrives. I remain committed to fostering strong relationships with city departments, officials, and community stakeholders to effectively carry out our mandate.

Respectfully,

JENNY WONG  
City Auditor

# Planned Engagements FY 2024

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## Rent Stabilization Board

The Auditor’s office will conduct an audit examining the Rent Stabilization Board’s finances or operations.

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## Public Health

The Auditor’s office will conduct an audit in an area of public health.

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## Follow-Up

The Auditor’s office will continue to track and follow up on all audit recommendations to determine if they are properly implemented. We will continue to publish an online public [dashboard](#) to increase transparency and accountability of the implementation status of open audit recommendations.<sup>1</sup> See page 4 for more details.

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## Short-Term Projects

In order to be responsive to the needs of the City and the public, we may engage in short-term projects to provide timely and relevant information and analysis to the City and community.

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## Ongoing Engagements

The Auditor’s Office will continue our analysis of homelessness and Measure FF that were both initiated during fiscal year 2023.

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## Whistleblower Program Implementation and Anti-Fraud Focus

The Auditor’s Office will implement a Whistleblower Program for employees and members of the public to report fraud, waste, or abuse by city departments, employees, or persons under contract with the City. This fiscal year we will focus on building out the program, including hiring and training staff; designing reporting and response processes; and creating educational materials to educate staff and the public on fraud and the Whistleblower Program. See page 5 for more details.

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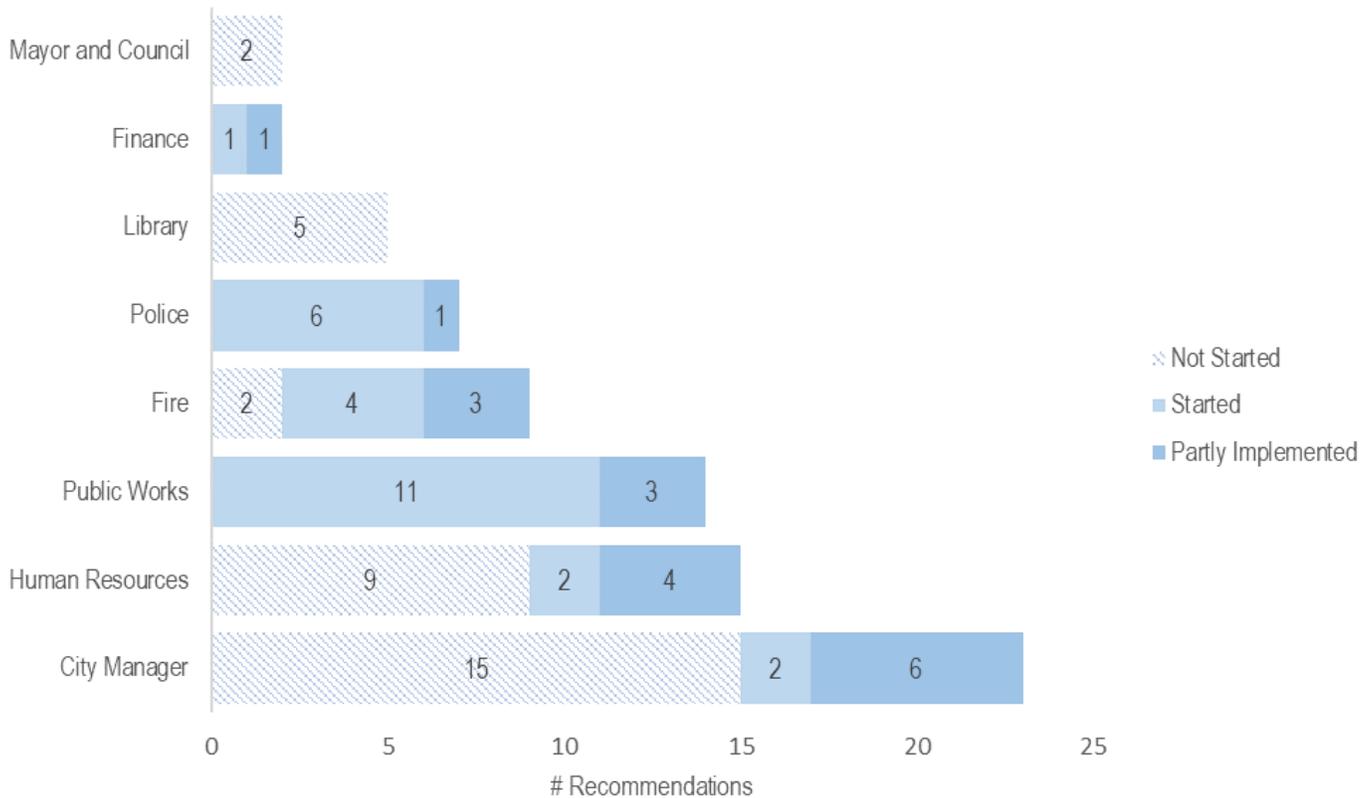
<sup>1</sup> City Auditor’s Recommendation Dashboard—[bit.ly/AuditRecDashboard](https://bit.ly/AuditRecDashboard)

# Follow-Up

In fiscal year 2024, the Auditor’s Office will follow up on 77 open recommendations from 10 audits. We will use the following statuses to report on the implementation of audit recommendations:

- **Implemented:** auditee has addressed the audit risk by completely implemented the recommendation.
- **Partly implemented:** auditee has implemented 50 percent or more of the recommendation.
- **Started:** the auditee has started to address the recommendation but has not reached the 50 percent threshold.
- **Not started:** auditee has not yet taken action to implement the recommendation.
- **Dropped:** the auditee has accepted the risk to the city that the recommendation is meant to address and is unable or unwilling to implement the recommendation. Additionally, all open recommendations will be reported as dropped if they are not implemented within five years of audit issuance.

**As of June 22, 2023, there are 77 open recommendations from 10 audits across 7 departments.**



Source: Berkeley City Auditor

# Whistleblower Program

The Whistleblower Program will include a confidential hotline for reporting fraud, waste, and abuse in city government 24/7/365 days of the year. This hotline will be available to all city employees, contractors, vendors, and residents. Additionally, to protect whistleblowers, there is a city policy that protects city employees from retaliatory acts.

## Authority and Independence

State legislation encourages cities to specifically focus on fraud, waste, and/or misuse of city resources through whistleblower programs led by city auditors. In 2009, California Government Code Section 53087.6 went into effect, which enabled local government auditors to establish whistleblower programs and to provide whistleblower protections. Local auditors are authorized under Section 53087.6 to create whistleblower programs with the approval of their respective legislative bodies, and have discretion in how to operate their programs. At the June 6<sup>th</sup> meeting, City Council adopted resolution 70,881–N.S endorsing the City Auditor's plan to implement the Whistleblower Program.

The Berkeley City Auditor maintains a level of structural independence well-suited for a whistleblower program, as they are elected by the public and do not report to the City Manager or Council. The City Auditor is well-positioned due to their role in providing objective information on the operations of government programs and helping ensure full accountability to the public.

## Implementation Plan

|                 | Phase 1                                                                                        | Phase 2                                                                                                       | Phase 3                                                                         | Phase 4                                                                                                        | Phase 5                                                                                                                                                            |
|-----------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Activity</b> | <b>Resources</b>                                                                               | <b>Reporting Mechanism</b>                                                                                    | <b>Response Mechanism</b>                                                       | <b>Education and Awareness</b>                                                                                 | <b>Program Launch</b>                                                                                                                                              |
|                 | Hire Whistleblower Program Manager                                                             | Determine appropriate methods and platforms for whistleblower reporting                                       | Design a process for responding to and referring complaints                     | Develop written procedures and educational material                                                            | Receive and respond to complaints according to established procedures                                                                                              |
| <b>Outcome</b>  | Determine funding needed for remaining steps of the implementation plan and ongoing operations | Design intake forms and procedures                                                                            | Obtain necessary access rights to data systems for investigations               | Disseminate educational materials                                                                              | Develop mechanisms for ongoing assessments of program effectiveness including the development of metrics to benchmark across time or against similar organizations |
|                 | <b>Resources</b>                                                                               | <b>Reporting Mechanism</b>                                                                                    | <b>Response Mechanism</b>                                                       | <b>Education and Awareness</b>                                                                                 | <b>Program Launch</b>                                                                                                                                              |
|                 | Staff and funding secured to successfully manage program                                       | Multiple channels for employees and outside parties to report complaints 24 hours a day, 365 days of the year | Ability to prioritize, investigate, refer, and follow up on complaints received | Potential whistleblowers understand how the program works, why it is important, and how they will be supported | A more accountable Berkeley government through the prevention and investigation of suspected fraud, waste, and abuse.                                              |

# Plan Description

The mission of the Berkeley City Auditor is to promote transparency and accountability in Berkeley government. This is achieved through independent evaluations of city programs and activities. The Fiscal Year 2024 Audit Plan reflects the office's steadfast commitment to continuous improvement by enhancing the value, products, staffing, communications, and overall impact of the Berkeley City Auditor's Office on behalf of Berkeley residents, businesses, and visitors.

## Auditing Under the City Charter

The Charter provides that the Auditor shall have the authority to conduct:

- Performance and financial audits or special studies of all phases of the City of Berkeley government in accordance with government auditing standards;
- Financial, compliance, efficiency and economy, and program results auditing; and
- Examinations of payrolls, bills, and other claims and demands made against the City.

The FY 2024 Audit Plan ensures broad audit coverage throughout the City while also addressing specific performance, financial, contractual, and system risks. Audit resources are limited, thus prohibiting one hundred percent coverage each year. This significant limiting factor is inherent in the concept of using risk assessment to help prioritize audits. According to the City Charter, the ultimate decision to perform any audit shall be at the sole discretion of the Auditor. Our approach to scheduling audits is flexible and subject to change throughout the year based on newly identified risks.

## Audit Follow-Up Program

Audit follow-up activities are conducted for every audit to assess whether city personnel implemented the agreed-upon audit recommendations. The Auditor's Office issues follow-up audit reports to City Council on the status of our recommendations. We also maintain a public [dashboard](#) with the status of audit recommendations. Our office measures the audit recommendation implementation rate as an indicator of the degree to which the City is using information provided by our audit reports to mitigate identified risks and to enhance efficiency, effectiveness, and economy of operations. Our expectation is that the City should take no more than two years to implement our audit recommendations, unless specified.

## Focus on Integrity, Independence, Impact, and Inclusion

The concepts of integrity, independence, impact, and inclusion are core tenets of operations within the Berkeley City Auditor's Office. Although the Auditor operates independently from other city entities, Auditor Wong and staff meet regularly with the Mayor, City Council, city personnel, neighborhood groups, and civic leaders to solicit input regarding risks. The objective of this strategy is to improve services and stewardship of city resources.

# Audit Selection Process

Developing an annual Audit Plan is an iterative process, conducted by assembling ideas from a variety of internal and external stakeholders, examining a broad range of City programs and activities, and assessing risk factors together with additional considerations. This approach results in a diverse list of departments, programs, and activities that are examined to determine whether they are operating efficiently, effectively, and in accordance with the law and other requirements.

In developing a list of potential audits, ideas come from a variety of sources:

- Input from the community, elected officials, department staff, and City management;
- Assessment of operations and controls in previous audit reports;
- Assessment of citywide risks;
- Consideration of current local events, financial conditions, capital improvement projects, and public policy issues; and
- Consideration of risks identified in other government audits that could emerge in Berkeley.

Our office identifies and prioritizes potential audits and other assessments using a risk-based approach that examines a variety of factors that may expose the City to fraud, misuse of funds, waste, liability, or reputational harm. The following risk factors are used to determine the audits included in the audit plan:

- Perception of risk from management, City Council, the community, and audit staff;
- Economic factors such as financial impact, volume of transactions, number of personnel, and revenue generated;
- Changes in organization, management, key personnel, and information systems; and
- Time since last audit.

After the plan is finalized, new information may come to light; events, initiatives, priorities, and risks within the City may change. The flexible nature of the Audit Plan as a living document provides the ability to change course when it is in the best interest of the City.

# Auditor's Authority

The Berkeley City Auditor's Office provides independent oversight of city operations. Audits, conducted by the Office, provide the City Manager, City Council, and the public with objective, timely, and accurate information about city program performance. By providing this information and making recommendations for improvement, the Office helps to hold government accountable in its stewardship of public resources. Berkeley City Charter, Section 61, establishes this independence and provides for the Auditor's general authority and duties. The Charter also establishes the duty to present a planned audit schedule to City Council at the beginning of each fiscal year.

Several key components serve as the cornerstone for Berkeley's auditing framework. These elements provide the Auditor with the independence that results in the office's ability to conduct high-impact audits.

**Elected Auditor** — The City of Berkeley has an elected Auditor who is independent from all other elected officials and City management.

**Comprehensive Access** — The City Charter and Municipal Code authorize the Auditor to have unrestricted access to all officials, employees, records, and reports maintained by the City, and to all external entities, records, and personnel related to contracted business interactions with the City.

**Audit Response Requirements** — City Municipal Code requires that City management formally respond to all audit findings and recommendations, establishing the Auditor's ability to work in conjunction with audited departments while maintaining independence.

**Recommendation Follow-up Requirements** — City Municipal Code requires that city management report back to Council on the status of audit recommendations every six months until all recommendations are implemented, establishing the Auditor's ability to determine the adequacy, effectiveness, and timeliness of management's actions to correct reported issues and recommendations.

**Adherence to Professional Auditing Standards** — The Auditor's Office conducts all audits in accordance with Generally Accepted Government Auditing Standards produced by the United States Government Accountability Office.



BERKELEY CITY AUDITOR

2180 Milvia Street, 3rd Floor, Berkeley, California 94704

510-981-6750

<https://berkeleyca.gov/your-government/city-audits>

| Upcoming Worksessions and Special Meetings<br><i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                |
|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Scheduled Dates                                                                                     |                                                                                                                |
| July 11 (4:00pm)                                                                                    | 1. Dispatch Needs Assessment Presentation                                                                      |
| July 18 (WS)                                                                                        | 1. Ashby BART Transit Oriented Development (TOD)<br>2. City Policies for Managing Parking Around BART Stations |
| July 24                                                                                             | 1. ZAB Appeal: 2720 Hillegass Avenue - Willard Park Clubhouse                                                  |
| Sept 26                                                                                             | 1. ZAB Appeals: 300 Shattuck Avenue and 705 Euclid Avenue                                                      |

| Unscheduled Workshops and Special Meetings |  |
|--------------------------------------------|--|
| None                                       |  |

| Unscheduled Presentations (City Manager)                                                                          |  |
|-------------------------------------------------------------------------------------------------------------------|--|
| 1. Draft Waterfront Specific Plan (Fall 2023)<br>2. Fire Dept Standards of Coverage and Community Risk Assessment |  |

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | <i>No items to be scheduled</i>                                                                          |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 2720 Hillegass Avenue - Willard Park (construct community center)           | ZAB                  |                       | 7/24/2023         |
| 705 Euclid Avenue (new single family dwelling)                              | ZAB                  |                       | 9/26/2023         |
| 3000 Shattuck Avenue - (construct 10-story mixed-use building)              | ZAB                  |                       | 9/26/2023         |
| 1598 University Avenue - (construct 8-story mixed-use building)             | ZAB                  |                       | 10/3/2023         |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

6/13/2023



# Major Item Legislative, Budgeting & Implementation Systems Redesign

FIRST SKETCH OF DRAFT #1

Presented to Agenda & Rules Committee

June 12, 2023

# Goal

Sketch a  
**PROCESS OVERVIEW**  
for the introduction, vetting, passage,  
funding, and implementation of  
Major Council Items

# Terminology

## MAJOR ITEMS

are items meeting the *current/existing definition* of Policy Committee Track Items:

*Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts*

# Big Ideas

**City Clerk** - Consistency in process of how Major Items are developed, budgeted and implemented

**City Manager** - Help the Organization deliver without overwhelm; allow staff to be successful in their work

**Council/Mayor** - Successfully implement state of the art and/or innovative programs and policies to serve Berkeley, and to model best practices for other Cities/States

# Yearly Cycle:

Built around June 30 Budget Adoption/Update

July – September

**COUNCIL:** Finalization of Y2 Items  
**CITY MANAGER:** Implement Y1 Items

October – March

**Committee Season**

April – June

**Council + Budget  
Season**

# Legislative Session: One Cycle - Benefits

- Every Year, opportunity to Submit and have Council hear/vote on Major Items
- Four subject matter Committees only meet during a Committee Season (except if emergency or special reason to convene), reducing time commitment by Councilmembers and staff.
- Staff can turn to implementation during “off season,” and Councilmembers can work on the next year’s items.

# Major Item Development & Submission

*All Year → End of September*

- Must use Major Item Guidelines Format
- September 30 submission deadline
- Major Items can be submitted prior to September 30 but won't be assigned to Committees
- Timeline allows for Councilmembers to work all year on items
- Staff input at Pre-submission = high level/conceptual

# Agenda Committee

## October

### *Review & Assign Major Items to Committees*

- Early October special meeting(s)
- Review Major Items for compliance with Guidelines  
*(Could also do this on rolling basis as items come in)*
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

# Policy Committees

## *October - March*

- Organizing meeting(s) Mid-October
- Major Items heard by Committee and move out on Rolling Basis, October - March
- Committees may also prioritize/score items they review
- All Major Items OUT of Policy Coms by March 30

# City Council

## *April*

- Vote on all Major Items, as reviewed and sent forward by Committees, no later than April 30
- May require special meeting(s) in April
- City Attorney must sign off on legal conformity of Ordinances
- Council - Approved items sent to Budget Committee

# Budget Prioritization

*Early May\**

- All Major Items that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due May 15/second Friday in May

*\*Not the same as all-item prioritization*

# Budget Committee

## *May - June*

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but not binding
- Budget Committee makes recommendations to full Council along with Budget
- Budget passed; Major Items funded move forward to Implementation
- ROLLOVER: Major Items passed by Council but NOT funded get automatically rolled-over to future funding opportunities

# Implementation

*July +*

- Implementation Lead assigned by City Manager
- Implementation Team assembled by Lead + CM
- Meet with Author(s) to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares
  - *Launch Plan*
  - *Operating Plan*
- Program/Policy is Launched + Implemented

# OVERRIDE

## for Time Sensitive Items to respond to unforeseen events

- Rules of Procedure and Order already provide Override:  
*An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item*
- Time Critical definition - may need to be amended
- May still go to a Policy Committee or directly to Council, per A&R
- [Possible Add: Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

# Special Topic:

## Pre-Submission

- Guidelines mandatory for Major Items
- Only Authors (no Co-Sponsors) allowed at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: Pre-Submission Consult with City Manager to recommend internal subject matter experts for high level input
- Available: Pre-Submission Consult with City Attorney
- Consider a more formalized role for COMMISSIONS in Pre-Submission

# Special Topic:

## Strengthen Committee Process *Enhanced Review*

Develop checklist of what must be reviewed and addressed

- Relevance to existing Strategic Priorities or Current needs/Events
- Added value of program/policy
- Potential opportunities/costs of Program/Policy to community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/metrics/Enforcement
- Rate items as they go to Council?
- Increase options re: positive and negative recommendations?
- Other?

# Public & Staff input @ Committee

- Specific Outreach to Identifiable Stakeholders
- Several Opportunities for Comment  
*(items heard more than once)*
  
- Clarify staff's role
- Schedule will help get the right staff to meetings
- Empower staff to participate more fully in discussions, even if formal reports are not available

# Special Topic: Prioritization *Backlog*

Need a process to “clear the backlog” of items *currently* in the queue.

Send all pending (but not initiated) items to Policy Committees for review to suggest:

- Folding items together and/or updating referrals
- Re-approval of items “as is”
- Sunsetting/removal of moot items
- Recommend disposition of all items, ranked within each Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also want to integrate an RRV-type ranked prioritization?

# Special Topic: Prioritization

## *Regular/Ongoing*

- Long Term, enhanced process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- “Prioritization” becomes less of a BIG ISSUE.

Prioritization in a rationalized new Legislative system should result naturally from:

- More fully conceived and vetted items
- Better review at Committee, including merger of similar items to avoid piecemeal legislation
- Fewer, more impactful/comprehensive items moving forward

# Special Topic:

## Need Process & Criteria for funding Items at AA01 and AA02

*Suggestions - this question needs discussion/input from Budget & Finance Committee*

- ? Only Time Critical and Rollover (previously approved but unfunded) items considered at these junctures - same rule for Council and City Manager items
- ? Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives
- ? AA01 and 02 only for one-time and/or time sensitive expenses

# Special Topic:

## Implementation

Once Major Item is passed + funded, move to Implementation Process

- Implementation Lead is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- Implementation Team assembled by Lead + City Manager
- Consult with Author(s) to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
  - Launch is a unique undertaking requiring special/one-time work
- **LAUNCH** elements + Timeline
- **OPERATING** Plan
  - Long term/ongoing operation of program/policy

# DISCUSSION + QUESTIONS

## MAJOR ITEM LEGISLATIVE, BUDGETING & IMPLEMENTATION SYSTEMS REDESIGN

### Goal:

Sketch a full process for introduction, vetting, passage, funding, and implementation of Major Council Items and initiatives.

### Terminology:

“Major Items” are items meeting the current definition of *Policy Committee Track Items*:

“Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts.”

### Big Ideas for Major Items:

**City Clerk** - Consistency in process of how Major Items are developed, budgeted and implemented

**City Manager** - Help the Organization deliver without overwhelm; allow staff to be successful in their work

**Council/Mayor** - Successfully implement state of the art and/or innovative programs and policies to serve Berkeley, and to model what’s possible for other Cities/States

### OVERVIEW: YEARLY CYCLE - BUILT AROUND JUNE BUDGET ADOPTION/UPDATE:

#### 1. Major Item Development & Submission Cut Off - All Year - End of September

- a. Must use Major Item Guidelines Format
  - i. Guidelines prompt meaningful research, consult with experts and community, etc.
- b. September 30 Major Item submission deadline
  - i. Agenda Committee requests updates if not compliant with Guidelines
  - ii. 3rd Friday of October updated submissions, if any, due (as may be required by Agenda Committee)
- c. Major Items can be submitted prior to September 30 but won’t be assigned to Committees
- d. Timeline allows for Councilmembers to work all year on items, including over the summer, and to submit after Council resumes for the Fall.
- e. Staff input at Presubmission = high level/conceptual

**2. Agenda Committee - October**

- a. Early October special meeting(s)
- b. Review for compliance with Guidelines
  - i. Items not fulfilling Major Items Guidelines sent back to Authors for Resubmission at “late” deadline, or in future year, per Authors’ choice
- c. Review and assign compliant Major Items to Policy Committees

**3. Policy Committees - October - March**

- a. Organizing meeting(s) Mid-October
  - i. Create Calendar/agree on schedule for Items to be heard
  - ii. Group similar/topical items together
  - iii. Other organizing/housekeeping per Committee
- b. Major Items heard by Committee and move out on Rolling Basis, October - March
  - i. Review of items includes Enhanced Review (*See below*)
  - ii. Staff input more specific/involved but not requiring significant research
    - 1. If areas of significant unknowns are implicated, referral for item should include funds to support future research
  - iii. Input from City Attorney’s Office as appropriate - Review ordinances
- c. [Committees may also be asked to prioritize/score items they review]
- d. All Major Items OUT of Policy Coms by March 30.

**4. Council - April**

- a. Vote on all Major Items, as reviewed by Committees, no later than April 30
- b. May require special meetings in April
- c. City Attorney must sign off on legal conformity of Ordinances
- d. Approved items sent to Budget Committee so they are aware of them

**5. Budget Prioritization - Early May**

*(not the same as all-item prioritization)*

- a. All Major Items that have been passed by Council, both new and pending/previously unfunded, to be prioritized by Councilmembers
- b. Council scoring due the second week of May

**6. Budget Committee - May - June**

- a. Council [and Committee?] Prioritizations provided to Budget Committee as guides, but not binding
- b. Budget Committee makes recommendations to full Council along with Budget
- c. Budget passed; Major Items funded move forward to Implementation (*details below*)
- d. ROLLOVER: Major Items passed by Council but NOT funded get automatically rolled-over to future funding opportunities, to be considered with other rollover (and new) items until funded or retired/removed.

**7. Implementation - July +++**

- a. Implementation Lead assigned by City Manager
- b. Implementation Team assembled by Lead + CM
- c. Meet with Author(s) to establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc.
- d. Implementation Team prepares
  1. Launch Plan
  2. Operating Plan
- e. PROGRAM/POLICY is LAUNCHED

**Legislative Session: One Cycle - Benefits**

1. Every Year, opportunity to Submit and have Council hear/vote on Major Items
2. Four subject matter Committees only meet during a Committee Season (except if emergency or special reason to convene), reducing time commitment by Councilmembers and staff.
3. Staff can turn to implementation during “off season,” and Councilmembers can work on the next year’s items.
4. Override for Time Sensitive Items provided for, to respond to unforeseen events:
  - a. Rules of Procedure and Order already provide Override:
    - i. “An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item.”
    - ii. Time Critical definition - may need to be amended to add criteria to accept a Major Item later than the September 30 submission deadline).
    - iii. May still go to a Policy Committee or directly to Council, per A&R.
  - b. [Possible Add: Council-level override/appeal if the Author doesn’t agree with the Agenda & Rules Committee decision on Time Critical nature of a late Major Item].

**SPECIAL TOPIC: Pre-Submission - Details:**

1. Guidelines mandatory for Major Items
  - a. Review Guidelines for update/Adoption by Council (change name?)
  - b. Clerk to make new Major Item submission templates and provide adopted requirements for research and writing of Major Items
2. Only Authors (no Co-Sponsors) allowed at Pre-Submission and Committee stages, to reduce Brown Act issues
3. Available: Pre-Submission Consult with City Manager to recommend internal subject matter experts for high level input
  - a. Staff available for High Level input on Major Items
4. Available: Pre-Submission Consult with City Attorney
  - a. Identify possible Legal Issues early

- b. If Ordinance needed, discuss drafting and review
- 5. Consider a more formalized role for Commissions in Pre-Submission.  
[Councilmembers can go directly to Chairs to request items be placed on Commission agenda to receive feedback on a legislative proposal?]

**SPECIAL TOPIC: Strengthen Committee Process - Enhanced Review**

1. Policy Committees meet during a “season” (except Agenda & Budget)
  - i. Likely need to meet more frequently during the season
  - ii. Can be convened at other times (outside of the “season”) for special circumstances
2. First Committee Meeting(s) in October
  - i. Organize and Publish Committee Calendar
    1. Group similar items together
    2. Decide what to hear first/in what order to take up items
    3. Plan at least two hearings for each Major Item
    4. Identify stakeholders/special communities for outreach to participate
3. Clarify Committee tasks (*to be further defined*)
  - i. Develop checklist of what must be reviewed and addressed
    1. Relevance to existing Strategic Priorities or Current needs/Events
    2. Added value of program/policy
    3. Potential opportunities/costs of Project/Policy to community and to COB
    4. Alternative means to achieve same or similar goals
    5. Phasing/timelines for implementation
    6. Staffing and Resources needed to Launch and Operate
    7. Evaluation/metrics
    8. Enforcement
  4. Staff input at Committee level (*to be further defined*)
    1. Clarify staff’s role at Committees
    2. Get the right people to meetings, based on schedule
    3. Empower staff to participate more fully in discussions, even if formal reports are not available
    4. Etc.
  - ii. Committee Evaluation of Merits/Relative Merits of items
    1. Ask Committees to rate items as they go to Council?
      - a. Urgency, added value, cost/complexity, etc.?
    2. Increase options re: positive and negative recommendations?
    3. Other?
5. Items passed out of Committee to be updated by Author and re-submitted to Clerk in both original format and format passed by the Committee, for inclusion on Council agenda. *Clerk adds Committee recommendation.*
  - i. Clerk to provide clear process/direction on resubmission requirements, including timelines
    1. Original item included
    2. Redlined updated item with Committee-approved changes

3. ADD CO-SPONSORS
4. Possible proposed additional changes/final version from Author(s)?
  - ii. Deadline to resubmit updated items April 10 (most items will leave Committees before the March 30 deadline)
  - iii. April special meeting agendas reserved for Major Items
6. Allow CO-SPONSORS after items leave Committees and go to Council - Author(s) can add via Resubmission of item and/or via Supplemental process

**SPECIAL TOPIC: Prioritization of Items for Budgeting and Implementation**

**1. ONE-TIME - TO CLEAR CURRENT BACKLOG:**

Need a process to “clear the pile” of items currently in the queue.

- a. This should be “One time” to clear current backlog
  - i. May take a few years, but not necessary after that
- b. Send all pending (but not initiated) items to appropriate Policy Committees for review to suggest:
  - i. Folding items together and/or updating referrals
    1. Consolidate similar referrals
    2. Restate and/or strengthen referral language
    3. Update budget requests
    4. Etc.
  - ii. Re-approval of items “as is”
    1. Some items are still fresh, relevant
  - iii. Sunsetting/removal of moot items
    1. Moment has passed/No longer a priority
    2. Other similar work in progress
    3. Etc.
- c. Recommend disposition of all items, ranked within each LEAD DEPARTMENT
- d. Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- e. *May need some criteria - to ensure all council members get at least some of their priorities addressed*
- f. May also want to integrate an RRV-type ranked prioritization, but this may not be necessary after items are culled down, merged, removed, and prioritized by Lead Department

**2. POST-BACKLOG/REGULAR PRIORITIZATION PROCESS :**

Long Term, enhanced process should result in fewer or no backlogs and Council items actually being implemented in a reasonable timeframe; "Prioritization" becomes less of a Big Issue.

- i. Prioritization in a rationalized new system should result naturally from:
  1. More fully conceived and vetted items being submitted
  2. Items better vetted and formed at Committee, including merger of similar items to avoid piecemeal of smaller similar items
  3. Fewer, more impactful/comprehensive items moving forward
- ii. Some Prioritization still may be necessary
  1. Possibly have Committees rank all items they reviewed in their session, and/or rank with previous items in their purview that have not been initiated
  2. Possibly have Council engage in a ranking process - RRV or similar
  3. All rankings, whatever the system, are non-binding and will be reviewed and finalized by Council

**SPECIAL TOPIC: Process & Criteria for Items to be funded at AA01 and AA02**

[Suggestions - this question needs input from Budget & Finance Committee]

1. Only Time Critical and Rollover (previously approved but unfunded) items considered at these junctures - same rule for Council *and City Manager* items
2. Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council/CM initiatives
3. AA01 and 02 for one-time and/or time sensitive expenses

**SPECIAL TOPIC: Post-Approval Launch of new Initiatives/Policies/Programs:**

Once a Major Item is passed and funded, move to Implementation Conference with Author(s) and City Manager

1. Implementation Lead is assigned by City Manager
  - a. Responsible for managing and ensuring implementation
    - i. Need project management, implementation, and communications expertise - do not necessarily have to be *subject matter* experts
2. Implementation Team assembled by Lead + CM
  - a. Meets with Author(s) to establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc.
  - b. Implementation Team prepares Launch and Operating Plans
    - i. Launch Plan - Launch is a unique undertaking requiring special/one-time works products

1. Launch elements determined
    - a. Staffing
    - b. Communications/events
    - c. Online & Paper information/forms/processes
    - d. Education
  2. Timeline for Launch
  - ii. Operating Plan
    1. Long term/ongoing operation of program/policy
    2. Staffing/Systems
    3. Benchmarks for progress
    4. Evaluation/Updates/Continuous Improvement
    5. Enforcement
- 

DRAFT

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

## Guidelines for City Council Items:

1. Title
  2. Consent/Action/Information Calendar
  3. Recommendation
  4. Summary Statement/Current situation and its effects
  5. Background
  6. Review of Existing Plans, Programs, Policies and Laws
  7. Actions/Alternatives Considered
  8. Consultation/Outreach Overview and Results
  9. Rationale for Recommendation
  10. Implementation, Administration and Enforcement
  11. Environmental Sustainability
  12. Fiscal Impacts
  13. Outcomes and Evaluation
  14. Contact Information
  15. Attachments/Supporting Materials
- 

**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
  - Adopt a resolution
  - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
  - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
  - Referral to a Commission or to a Standing or Ad Hoc Council Committee
  - Referral to the budget process
  - Send letter of support
  - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
  - Designate members of the Council to perform some action
-

**4. Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

**5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

**6. Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## **7. Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## **8. Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## **9. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**



Lori Droste  
Councilmember, District 8

On March 14, 2023, the City Council referred the relevant concepts of this item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process.

Action Calendar  
March 14, 2023

**To:** Honorable Mayor Jesse Arreguín and Members of the City Council

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### **Recommendation**

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

### Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

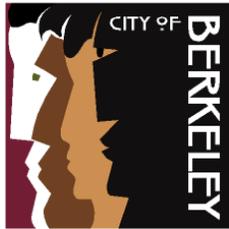
The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

Councilmember Lori Droste (legislative aide Eric Panzer)  
[erpanzer@cityofberkeley.info](mailto:erpanzer@cityofberkeley.info)  
Phone: 510-981-7180

**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

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November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
LaTanya Bellow, Deputy City Manager  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

## **Attachment 1: Selected list of program, project, referral, and audit finding impacts**

### *Project and Program Impacts*

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)





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**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

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